

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>IN RE:</b>  <b>TEXAS REIT, LLC</b>  <b>Debtor.</b>	§ § § § § §	<b>CASE NO. 24-10120-smr</b>  <b>CHAPTER 11 (Bankr. WDTX)</b>
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<b>WCW HOUSTON PROPERTIES, LLC</b>  <b>Plaintiffs,</b>  <b>vs.</b>  <b>TEXAS REIT, LLC, ET AL</b>  <b>Defendants,</b>	§ § § § § § § § § §	<b>IN THE DISTRICT COURT</b>  <b>HARRIS COUNTY, TEXAS</b>  <b>151<sup>ST</sup> JUDICIAL DISTRICT</b>  <b>CAUSE NO. 2017-35320</b>
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**NOTICE OF REMOVAL OF CIVIL ACTION  
PURSUANT TO 28 U.S.C. §§ 1334 AND 1452**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

NOW COMES **WCW HOUSTON PROPERTIES, LLC**, (“WCW”) and files this Notice of Removal of Civil Action Pursuant to 28 U.S.C. §§ 1334 and 1452, (the “Removal Petition”) under the provisions of 28 U.S.C. §§ 1334 and 1452, and Rule 9027 of the Bankruptcy Rules. WCW anticipates promptly filing a motion to transfer this case to the United States Bankruptcy Court for the Western District of Texas, Austin Division, where Texas Reit, LLC’s (“Defendant” or “Debtor”) chapter 11 bankruptcy is pending. WCW would show as follows:

1. This removal involves a civil action that was commenced in 2017 in the 151<sup>st</sup> Judicial District Court of Harris County, Texas in Cause No. 2017-CI-35320, styled *WCW Houston Properties, LLC Plaintiff v. Texas Reit, LLC, et al. Defendants*. (“State Court Action”). An index

of the state court file and a copy of the state court file is attached hereto as **Exhibit A**.

2. Venue of this removal action is appropriate in that the proceeding is being removed from the 151<sup>st</sup> Judicial District Court of Harris County, Texas which is located in the Southern District of Texas.

3. The State Court Action may be removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1334 and 1452(a), because the causes of action arise under Title 11, arise in or are related to a case under Title 11. This matter is a core proceeding pursuant to 28 U.S.C. § 157 including 157(b)(2)(K) (“determinations of the validity, extent, or priority of liens”).

4. This notice of removal is filed within thirty (30) of the order granting stay relief to WCW that precluded WCW from proceeding with its claims, and therefore, is timely filed pursuant to the provisions of Rule 9027 of the Bankruptcy Rules.

5. Promptly after the filing of this Removal Petition, pursuant to Rule 9027(c) of the Bankruptcy Rules, WCW will file a Notice to State Court of Removal with the 151<sup>st</sup> Judicial District Court of Harris County, Texas in Cause No. 2017-CI-35320.

6. WCW hereby expressly states that it consents to the entry of final orders or a final judgment by the bankruptcy judge in this proceeding if it is determined that the bankruptcy judge, absent consent of the parties, cannot enter final orders or judgment consistent with Article III of the United States Constitution.

7. All Defendants have been served with process. The names and addresses of the parties of record in this matter are as follows:

ARCHITECTURAL SERVICES INTERNATIONAL INC  
WCW HOUSTON PROPERTIES, LLC  
Attn: Kevin Powers  
2 Houston Center  
909 Fannin, Suite 2630  
Houston, TX 77010

TEXAS REIT LLC  
1001 West Loop South, Suite 700  
Houston, Tx 77027

TEXAS REIT LLC (TEXAS CORPORATION)  
Attn: Servicing Agent  
2500 West Loop South Suite 255  
Houston, Tx 77027

STEPHEN WU  
THE WU FAMILY TRUST  
WU PROPERTY MANAGEMENT  
3657 Briarpark Dr #700  
Houston, TX 77042

RODEXKIA HOLDING LLC  
2221 S Voss Rd  
Houston, TX 77057

LEIM DANG  
9518 Shadow Gate Ln  
Houston, Tx 77040

PORTER & POWERS LLC  
2221 S Voss Rd  
Houston, TX 77057

TODD A CARLSON  
3773 Richmond Ave, Ste 800  
Houston, Tx 77046

BRAD E PORTER  
2221 S. Voss Road  
Houston, TX 77057

DAVID L SMITHERMAN, DAVID  
2221 S Voss Rd  
Houston, TX 77057

KEVIN POWERS  
2 Houston Center  
909 Fannin, Suite 2630  
Houston, TX 77010

DALIO HOLDINGS I LLC  
DALIO HOLDINGS II LLC  
1675 S. State Street, Suite B  
Dover, De 19901

ROBERT W. BERLETH  
Receiver  
510 Bering Dr  
Houston, TX 77057

WHEREFORE, WCW gives notice that the State Court Action, presently pending in the 151<sup>st</sup> Judicial District Court of Harris County, Texas in Cause No. 2017-CI-35320, has been removed to the United States Bankruptcy Court for the Southern District of Texas, Houston Division.

Dated: July 5, 2024

Respectfully submitted,

/s/ Eric Terry

**Eric Terry**

Texas Bar No. 00794729

**Tom A. Howley**

Texas Bar No. 24010115

HOWLEY LAW PLLC

700 Louisiana St., Suite 4545

Houston, Texas 77002

Telephone: 713-333-9125

Email: [tom@howley-law.com](mailto:tom@howley-law.com)

Email: [eric@howley-law.com](mailto:eric@howley-law.com)

-and-

**Kevin Powers**

Texas Bar No. 24041715

BURFORD PERRY LLP

2 Houston Center

909 Fannin, Suite 2630

Houston, TX 77010

Telephone: 713-401-9790

Email : [kpowers@burfordperry.com](mailto:kpowers@burfordperry.com)

***Counsel to WCW Houston Properties, LLC***

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copy of the above and foregoing (without exhibit A) was sent on this 5th day of July 2024 via U.S. First Class Mail to:

/s/ Eric Terry

ARCHITECTURAL SERVICES INTERNATIONAL INC  
WCW HOUSTON PROPERTIES, LLC

Attn: Kevin Powers  
2 Houston Center  
909 Fannin, Suite 2630  
Houston, TX 77010

TEXAS REIT LLC  
1001 West Loop South, Suite 700  
Houston, Tx 77027

TEXAS REIT LLC (TEXAS CORPORATION)  
Attn: Servicing Agent  
2500 West Loop South Suite 255  
Houston, Tx 77027

STEPHEN WU  
THE WU FAMILY TRUST  
WU PROPERTY MANAGEMENT  
6100 Corporate Drive, Ste 288  
Houston, Tx 77036

RODEXKIA HOLDING LLC  
1776 Yorktown, Ste 300  
Houston, Tx 77056

LEIM DANG  
9518 Shadow Gate Ln  
Houston, Tx 77040

PORTER & POWERS LLC  
5900 Memorial Dr, Ste 305  
Houston, Tx 77007

TODD A CARLSON  
3773 Richmond Ave, Ste 800  
Houston, Tx 77046

BRAD E PORTER  
2221 S. Voss Road  
Houston, TX 77057

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1776 Yorktown, Ste 300  
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KEVIN POWERS  
Attn: Kevin Powers  
2 Houston Center  
909 Fannin, Suite 2630  
Houston, TX 77010

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
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<b>IN RE:</b>  <b>TEXAS REIT, LLC</b>  <b>Debtor.</b>	§ § § § § §	<b>CASE NO. 24-10120-smr</b>  <b>CHAPTER 11</b>
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<b>WCW HOUSTON PROPERTIES, LLC</b>  <b>Plaintiffs,</b>  <b>vs.</b>  <b>TEXAS REIT, LLC, ET AL</b>  <b>Defendants,</b>	§ § § § § § § § §	<b>IN THE DISTRICT COURT</b>  <b>HARRIS COUNTY, TEXAS</b>  <b>151<sup>ST</sup> JUDICIAL DISTRICT</b>  <b>CAUSE NO. 2017-35320</b>
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**INDEX OF STATE COURT DOCUMENTS FROM THE 151<sup>st</sup> JUDICIAL  
DISTRICT COURT OF HARRIS COUNTY, TEXAS IN  
CAUSE NO. 2017-CI-35320<sup>1</sup>**

	Document	Date
1.	Plaintiff's Original Petition	5/25/2017
2.	Civil Case Information Sheet	5/25/2017
3.	Civil Process Request	5/25/2017
4.	Exhibit 01	5/25/2017
5.	Exhibit 02	5/25/2017
6.	Civil process pick-up form	5/30/2017
7.	Citation Corporate	7/12/2017
8.	Notice of Intent to Dismiss (No Service/Answer)	10/10/2017
9.	Citation	10/23/2017

<sup>1</sup> The following represents a listing of the entire court file. Due to the volume, counsel will work with the court clerk to arrange for the entire proceeding to be transferred in a manner that is acceptable to the court. Attached hereto are all process and pleadings.

10.	Plaintiff's First Amended Petition	10/25/2017
11.	Exhibit A	10/25/2017
12.	Exhibit B	10/25/2017
13.	Exhibit C	10/25/2017
14.	Motion for Entry of Default Judgment	10/26/2017
15.	Exhibit A	10/26/2017
16.	Exhibit B	10/26/2017
17.	Exhibit B-01	10/26/2017
18.	Exhibit B-02	10/26/2017
19.	Proposed Default Judgment	10/26/2017
20.	First Amended Notice of Hearing by Submission	11/20/2017
21.	Plaintiff's Motion to Retain	11/20/2017
22.	Proposed Order Granting Motion to Retain	11/20/2017
23.	Defendant's Original Answer	12/5/2017
24.	DOCKET CONTROL/PRETRIAL ORDER SIGNED	1/3/2018
25.	Plaintiff's Motion for Substitution of Parties and Substitution of Counsel	5/16/2018
26.	Notice of Submission	5/16/2018
27.	Proposed Order Granting Plaintiff's Motion for Substitution of Parties and Counsel	5/16/2018
28.	Plaintiff's Supplemental Motion for Substitution of Parties and Substitution of Counsel	5/24/2018
29.	ORDER SIGNED SUBSTITUTING ATTORNEY OF RECORD	5/28/2018
30.	ORDER SUBSTITUTING PARTIES SIGNED	5/28/2018
31.	Cross Plaintiff's Original Petition and Verified Application for Temporary Restraining Order and for Temporary and Permanent Injunctions	5/31/2018
32.	Exhibit A	5/31/2018
33.	Proposed Order on Cross Plaintiff's Original Petition and Verified Application for Temporary Restraining Order and for Temporary and Permanent Injunctions	5/31/2018
34.	ORDER SETTING BOND SIGNED	5/31/2018
35.	ORDER SIGNED GRANTING TEMPORARY RESTRAINING ORDER	5/31/2018
36.	ORDER SIGNED SETTING HEARING	5/31/2018
37.	Plaintiff's Second Amended Petition	5/31/2018
38.	Exhibit A	5/31/2018
39.	Exhibit B	5/31/2018
40.	Exhibit C	5/31/2018
41.	Exhibit D	5/31/2018
42.	Exhibit E	5/31/2018
43.	Clerks certificate of cash deposit in lieu of injunction bond per order of the court	6/1/2018
44.	Motion to Extend the Temporary Restraining Order	6/7/2018



45.	Plaintiff's Original Petition	5/25/2017
46.	Plaintiff's Motion to Dissolve Temporary Restraining Order	6/7/2018
47.	Proposed Order Dissolving Temporary Restraining Order	6/7/2018
48.	Proposed Order Granting Motion to Extend the Temporary Restraining Order	6/8/2018
49.	Letter regarding Order	6/8/2018
50.	Plaintiff's Supplement to Its Motion to Dissolve Temporary Restraining Order	6/8/2018
51.	Notice of Hearing	6/8/2018
52.	Amended Notice of Hearing	6/11/2018
53.	Plaintiff's Third Amended Petition	6/12/2018
54.	Exhibit A	6/12/2018
55.	Exhibit A	6/12/2018
56.	Exhibit B	6/12/2018
57.	Exhibit C	6/12/2018
58.	Exhibit D	6/12/2018
59.	Exhibit E	6/12/2018
60.	Exhibit F	6/12/2018
61.	Exhibit H	6/12/2018
62.	Verification	6/12/2018
63.	Plaintiff's Emergency Motion to Compel Discovery	6/19/2018
64.	Exhibit 01	6/19/2018
65.	Exhibit 02	6/19/2018
66.	Exhibit 03	6/19/2018
67.	Exhibit 04	6/19/2018
68.	Exhibit 05	6/19/2018
69.	Exhibit 06	6/19/2018
70.	Exhibit 07	6/19/2018
71.	Exhibit 08	6/19/2018
72.	Exhibit 09	6/19/2018
73.	Exhibit 10	6/19/2018
74.	Exhibit 11	6/19/2018
75.	Proposed Order Compelling Production	6/19/2018
76.	Emergency Motion to Shorten Notice Period	6/19/2018
77.	Proposed Order	6/19/2018
78.	Response to Motion to Shorten Notice Period	6/20/2018
79.	Amended Response to Motion to Shorten Notice Period	6/20/2018
80.	Exhibit A	6/20/2018
81.	Exhibit B	6/20/2018
82.	Notice of Hearing	6/20/2018
83.	ORDER GRANTING MOTION TO SHORTEN TIME SIGNED	6/20/2018
84.	Response to Motion to Compel	6/25/2018
85.	Notice of Filing of Notice of Removal	6/25/2018

86.	Exhibit A	6/25/2018
87.	Notice of Remand	11/5/2018
88.	(Copy) Order for Remand	11/5/2018
89.	Plaintiff's Motion for Summary Judgment	12/5/2018
90.	Exhibit 01	12/5/2018
91.	Exhibit 02	12/5/2018
92.	Exhibit 03	12/5/2018
93.	Exhibit 04	12/5/2018
94.	Exhibit 05	12/5/2018
95.	Exhibit 06	12/5/2018
96.	Exhibit 07	12/5/2018
97.	Exhibit 08	12/5/2018
98.	Exhibit 09	12/5/2018
99.	Exhibit 10	12/5/2018
100.	Proposed Final Summary Judgment	12/5/2018
101.	Notice of Submission	12/5/2018
102.	Defendant, Texas Reit LLC's Amended Answer to Substituted Plaintiff WCW Houston Properties, LLC's Third Amended Petition	12/26/2018
103.	Defendant, Texas Reit LLC's Response in Opposition to Substituted Plaintiff WCW Houston Properties, LLC's Motion for Summary Judgment	12/26/2018
104.	Exhibit 01	12/26/2018
105.	Exhibit 02	12/26/2018
106.	Proposed Order on Plaintiff WCW Houston Properties, LLC's Motion for Summary Judgment and Objections to Summary Judgment Evidence	12/26/2018
107.	ORDER DENYING OBJECTION TO DISCOVERY REQUEST SIGNED	12/31/2018
108.	ORDER SIGNED DENYING PARTIAL SUMMARY JUDGMENT	12/31/2018
109.	Defendant, Texas Reit LLC's Motion for Traditional and No Evidence Final Summary Judgment	1/18/2019
110.	Exhibit 01	1/18/2019
111.	Exhibit 02	1/18/2019
112.	Exhibit 03	1/18/2019
113.	Exhibit 04	1/18/2019
114.	Exhibit 05	1/18/2019
115.	Proposed Order on Defendant's Motion for Traditional and No Evidence Motion for Final Summary Judgment	1/18/2019
116.	Defendant, Texas Reit LLC's Motion for Traditional and No Evidence Final Summary Judgment	1/18/2019
117.	Defendant, Texas Reit LLC's Amended Notice of Submission on Motion for Traditional and No Evidence Final Summary Judgment	1/18/2019

118	Plaintiff's Response to Defendant's Motion for Traditional and No-Evidence Summary Judgment	2/4/2019
119	Exhibit 01	2/4/2019
120	Exhibit 02	2/4/2019
121	Exhibit 03	2/4/2019
122	Exhibit 04	2/4/2019
123	Exhibit 05	2/4/2019
124	Exhibit 06	2/4/2019
125	Exhibit 07	2/4/2019
126	Exhibit 08	2/4/2019
127	Exhibit 09	2/4/2019
128	Exhibit 10	2/4/2019
129	Exhibit 11	2/4/2019
130	Exhibit 12	2/4/2019
131	Proposed Order	2/4/2019
132	ORDER SIGNED RESETTING TRIAL	2/22/2019
133	Subpoena for Deposition Testimony of Reagan Lewis and Subpoena Duces Tecum Pursuant to T.R.C.P. 176 and 201	2/28/2019
134	Motion to Quash and for Protective Order	3/1/2019
135	Defendant, Texas Reit LLC's Notice of Designation of Lead Trial Counsel	5/3/2019
136	TRIAL PREPARATION ORDER	5/22/2019
137	TRIAL PREPARATION ORDER	5/22/2019
138	TRIAL PREPARATION ORDER	5/22/2019
139	Oral Videotaped Deposition Mr. David L. Thornton April 4, 2019	6/4/2019
140	ORDER SIGNED RESETTING TRIAL	6/18/2019
141	ORDER SIGNED RESETTING TRIAL	6/18/2019
142	ORDER SIGNED RESETTING TRIAL	6/18/2019
143	TRIAL PREPARATION ORDER	9/26/2019
144	Exhibit B	10/14/2019
145	Proposed Order	10/14/2019
146	Agreed Motion for Continuance	10/14/2019
147	Exhibit A	10/14/2019
148	ORDER SIGNED GRANTING TRIAL CONTINUANCE	10/24/2019
149	ORDER SIGNED RESETTING TRIAL	10/25/2019
150	Notice of Hearing	11/20/2019
151	Plaintiff's Motion for Partial Summary Judgment	11/20/2019
152	Exhibit "A"	11/20/2019
153	Exhibit "B"	11/20/2019
154	Exhibit "C"	11/20/2019
155	Exhibit 01 ASI Note	11/20/2019
156	Exhibit 02 ASI Funding	11/20/2019
157	Exhibit 03 2013 Mod ASI Note	11/20/2019

158	Exhibit 04 ASI Note Payment Hist	11/20/2019
159	Exhibit 05 ASI DT	11/20/2019
160	Exhibit 06 Asmt ASI Note	11/20/2019
161	Exhibit 07 Tras ASI Note Lien	11/20/2019
162	Exhibit 08 ASI Alonge	11/20/2019
163	Exhibit 09 - Return of Citation	11/20/2019
164	Exhibit 10 - Affidavit of Steve Wu	11/20/2019
165	Exhibit 11 - Affidavit of Andrew De Luna	11/20/2019
166	Exhibit 12 - ASI's Original Petition	11/20/2019
167	Exhibit 13	11/20/2019
168	Proposed Partial Summary Judgment	11/20/2019
169	Defendant, Texas Reit LLC's Second Motion for Traditional Final Summary Judgment	11/25/2019
170	Exhibit 01	11/25/2019
171	Exhibit 02	11/25/2019
172	Exhibit A	11/25/2019
173	Exhibit B	11/25/2019
174	Exhibit C	11/25/2019
175	Exhibit D	11/25/2019
176	Exhibit E	11/25/2019
177	Exhibit F	11/25/2019
178	Exhibit G	11/25/2019
179	Exhibit H	11/25/2019
180	Defendant, Texas Reit LLCs Second Motion for Traditional Final Summary Judgment	11/25/2019
181	Amended Notice of Hearing	12/6/2019
182	Defendant, Texas Reit LLC's Notice of Hearing on Second Motion for Traditional Final Summary Judgment	12/6/2019
183	Defendant Texas Reit LLC's Amended Notice of Hearing on Second Motion for Traditional Final Summary Judgment	12/13/2019
184	Amended Notice of Hearing	12/13/2019
185	Defendant's Second Amended Notice of Submission of its Motion for Traditional and No Evidence Final Summary Judgment	1/28/2020
186	Defendanr Texas Reitt LLC's Second Amended Answer to Substituted Plaintiff WCW Houston Properties LLC's Third Amended Petition	1/28/2020
187	Plaintiff's Motion to Compel Discovery	1/29/2020
188	Proposed Order Compelling Production	1/29/2020
189	Plaintiff's Request for Production to Texas Reit. LLC	1/29/2020
190	Defendant, Texas Reit LLC's Responses to Plaintiff's First Request for Production	1/29/2020
191	Proposed Order Compelling Production (DUPLICATE)	1/29/2020
192	Notice of Submission (Incorrect date)	1/29/2020
193	Amended Notice of Submission	1/29/2020

194	Defendant Texas Reit LLC's Amended Second Motion for Traditional and No Evidence Final Summary Judgment	2/3/2020
195	Exhibit A	2/3/2020
196	Exhibit B	2/3/2020
197	Exhibit C	2/3/2020
198	Exhibit D	2/3/2020
199	Exhibit E	2/3/2020
200	Exhibit F	2/3/2020
201	Exhibit G	2/3/2020
202	Exhibit H	2/3/2020
203	Exhibit I	2/3/2020
204	Defendant Texas Reit LLC's to Response to Plaintiff's Motion for Partial Summary Judgment; Alternatively, Motion to Continue Hearing Until Ruling on Motion to Set Aside Deemed Admissions	2/17/2020
205	Exhibit B	2/17/2020
206	Exhibit C	2/17/2020
207	Exhibit D	2/17/2020
208	Exhibit E	2/17/2020
209	Exhibit F	2/17/2020
210	Exhibit G	2/17/2020
211	Exhibit H	2/17/2020
212	Exhibit I	2/17/2020
213	Exhibit A	2/17/2020
214	Defendant's Motion to Set Aside Deemed Admissions	2/17/2020
215	Exhibit A	2/17/2020
216	Exhibit B	2/17/2020
217	Exhibit C	2/17/2020
218	Notice of Submission & Request for Earlier Oral Hearing	2/17/2020
219	Plaintiffs Objections to Defendants Summary Judgment Evidence	2/17/2020
220	Proposed Order on Plaintiff's Objections to Defendant's Summary Judgment Evidence	2/17/2020
221	Plaintiff's Response to Defendant's Second Motion for Summary Judgment Final	2/17/2020
222	Exhibit 01	2/17/2020
223	Exhibit 02	2/17/2020
224	Exhibit 03	2/17/2020
225	Exhibit 04	2/17/2020
226	Exhibit 05	2/17/2020
227	Exhibit 06	2/17/2020
228	Exhibit 07	2/17/2020
229	Defendant Texas Reit LLC's to Response to Plaintiff's Motion for Partial Summary Judgment	2/17/2020

230	Notice of Appearance of Counsel	2/19/2020
231	Defendant, Texas Reit, LLC's Response to Plaintiff's Motion to Compel	2/19/2020
232	Defendant's Response to Plaintiff's Objection to Summary Judgment Evidence	2/21/2020
233	Defendant's Amended Response to Plaintiff's Objection to Summary Judgment Evidence	2/24/2020
234	Proposed Partial Summary Judgment	2/24/2020
235	Proposed Order Denying Summary Judgment	2/24/2020
236	Letter to Clerk - Final Summary Judgment	2/24/2020
237	Proposed Final Summary Judgment	2/24/2020
238	ORDER SIGNED COMPELLING ANSWERS TO INTERROGATORIES	2/24/2020
239	ORDER SIGNED COMPELLING PRODUCTION	2/24/2020
240	Plaintiff's Supplement Brief Regarding its Objections to Defendants Summary Judgment Evidence	2/25/2020
241	Defendant, Texas Reit, LLC's Response to Plaintiff's Supplement Brief Regarding its Objections to Defendants Summary Judgment Evidence	2/26/2020
242	Exhibit A	2/26/2020
243	Exhibit B	2/26/2020
244	Proposed Order on Motion to Set Aside Deemed Admissions	3/2/2020
245	ORDER SIGNED DENYING MOTION TO STRIKE PLEADING	3/2/2020
246	Plaintiff's Response to Motion to Set Aside Deemed Admissions	3/2/2020
247	Affidavit of David L. Thornton	3/2/2020
248	Proposed Order on Motion to Set Aside Deemed Admissions	3/2/2020
249	Plaintiff's Response to Motion to Set Aside Deemed Admissions	3/2/2020
250	Affidavit of David L. Thornton	3/2/2020
251	ORDER SIGNED DENYING PARTIAL SUMMARY JUDGMENT	3/19/2020
252	ORDER FOR INTERLOCUTORY SUMMARY JUDGMENT SIGNED	3/19/2020
253	ORDER MODIFYING AND AMENDING TEMPORARY ORDERS SIGNED	3/19/2020
254	O/S GRNTG IN PART OBJ/PROPOSED ORD/JGMT	3/19/2020
255	Defendant's Third Motion For Final Summary Judgment Against Substitute Plaintiff WCW Houston Properties, LLC	3/23/2020
256	Exhibit A	3/23/2020
257	Exhibit A-01	3/23/2020
258	Exhibit A-02	3/23/2020
259	Exhibit A-03	3/23/2020
260	Notice of Submission	3/23/2020
261	Defendant's Cancellation of Motion for Summary Judgment	3/30/2020
262	Plaintiff's Fourth Amended Petition	4/8/2020
263	Exhibit A	4/8/2020

264	Exhibit B	4/8/2020
265	Exhibit C	4/8/2020
266	Exhibit D	4/8/2020
267	Exhibit E	4/8/2020
268	Exhibit F	4/8/2020
269	Exhibit G	4/8/2020
270	Exhibit H	4/8/2020
271	Exhibit I	4/8/2020
272	Exhibit J	4/8/2020
273	Defendant's Demand for Jury	4/13/2020
274	Defendant's Motion for Final Summary Judgment Concerning the Six Year Statute of Limitations	4/13/2020
275	Exhibit A-01	4/13/2020
276	Exhibit A-02	4/13/2020
277	Exhibit A-03	4/13/2020
278	Exhibit A-04	4/13/2020
279	Notice of Submission	4/13/2020
280	REQUEST FOR ISSUANCE OF SERVICE	4/16/2020
281	Request for Issuance of Service	4/16/2020
282	Plaintiff's Motion for Continuance	4/20/2020
283	Proposed Order on Plaintiff's Motion for Continuance	4/20/2020
284	Notice Hearing	4/20/2020
285	Request for Issuance of Service	4/20/2020
286	Request for Issuance of Service	4/20/2020
287	Defendant's Motion to Strike Plaintiff's Fourth Amended Petition	4/21/2020
288	Exhibit A	4/21/2020
289	Notice of Hearing	4/21/2020
290	Proposed Order	4/21/2020
291	Plaintiff's Response to Defendant's Motion for Final Summary Judgment Concerning The Six Year Statute of Limitations	4/27/2020
292	Exhibit 01	4/27/2020
293	Exhibit 02	4/27/2020
294	Exhibit 03	4/27/2020
295	Exhibit 04	4/27/2020
296	Proposed Order Denying Summary Judgment	4/27/2020
297	Notice Of Appearance And Designation Of Attorney-In-Charge	4/28/2020
298	Plaintiff's Response to Motion to Strike with Motion for Leave	5/1/2020
299	Exhibit 01	5/1/2020
300	Exhibit 02	5/1/2020
301	Proposed Order Denying Motion to Strike and Granting Leave to File	5/1/2020
302	Notice of Filing Of Notice Of Removal	5/1/2020
303	Notice of Removal	5/1/2020



304	Citation (Dalio Holding II LLC)	6/8/2020
305	Citation (Dalio Holdings I LLC)	6/8/2020
306	Notice of Remand	4/12/2021
307	Order Remanding Case	4/12/2021
308	Plaintiffs Motion for Discovery Sanctions	4/19/2021
309	Exhibit 01	4/19/2021
310	Exhibit 02	4/19/2021
311	Exhibit 03	4/19/2021
312	Exhibit 04	4/19/2021
313	Exhibit 05	4/19/2021
314	151 Notice of Hearing (Oral)	4/21/2021
315	Defendant Request for Alternative Hearing Date	4/22/2021
316	WCW Houston Properties LLC's Response to Request for Alternative Hearing Dates	4/23/2021
317	Proposed Order Granting Discovery Sanctions	4/26/2021
318	ORDER SIGNED DESIGNATING CASE TRIAL READY	4/28/2021
319	151 Notice to Reset Hearing (Oral)	4/28/2021
320	Dalio Holdings I, LLCs Response to Plaintiffs Motion for Discovery Sanctions	5/7/2021
321	Notice of Appearance of Branch M. Sheppard	5/10/2021
322	ORDER DENYING SANCTIONS SIGNED	5/10/2021
323	Response and Conditional Agreement	5/19/2021
324	Exhibit A	5/19/2021
325	Exhibit B	5/19/2021
326	Ali Choudhris, Texas Reit, LLCs and Dalio Holdings I, LLCs First Amended Motion to Consolidate Cause No. 2017-35320 Into Cause No. 2012-27197A	6/4/2021
327	Exhibit A	6/4/2021
328	Proposed Order Granting First Amended Motion to Consolidate	6/4/2021
329	Return Mail Undeliverable	6/15/2021
330	WCW Houston Properties LLCs Objection to Notice of Submission	6/22/2021
331	Notice of Submission	6/25/2021
332	Notice of Submission	6/25/2021
333	WCW Houston Properties LLCs Motion to Compel Discovery	6/25/2021
334	Proposed Order on WCW Houston Properties LLCs Motion to Compel Discovery	6/25/2021
335	WCW Houston Properties LLCs Amended Motion to Compel Discovery	6/25/2021
336	Exhibit 1	6/25/2021
337	Proposed Order on WCW Houston Properties LLCs amended Motion to Compel Discovery	6/25/2021
338	Notice Submission	6/25/2021
339	Return Mail Undeliverable	6/25/2021



340	Return Mail Undeliverable	6/25/2021
341	Return Mail Undeliverable	6/25/2021
342	Dalio Holdings I, LLC's Response to Motion to Compel Discovery	7/2/2021
343	Exhibit A	7/2/2021
344	Proposed Order Denying Motion to Compel	7/2/2021
345	Request for Oral Hearing	7/2/2021
346	ORDER SIGNED DENYING MOTION TO STRIKE PLEADING	7/5/2021
347	ORDER SIGNED COMPELLING DISCOVERY DENIED	7/5/2021
348	Defendant Texas Reit LLCs Request for Reset Oral Hearing	7/14/2021
349	Notice of Appearance of Branch M Sheppard and Annarose M Harding	7/14/2021
350	Notice of Oral Hearing	7/16/2021
351	Defendant Texas Reit LLCs Motion to Strike Dalio Holdings I, LLC From this Lawsuit and Plaintiffs Claims Against Dalio Holdgiins I, LLC	7/16/2021
352	Proposed Order Granting Motion to Strike	7/16/2021
353	WCW Houston Properties LLCs Motion to Compel Discovery Against Texas Reit LLC	7/30/2021
354	Exhibit 1	7/30/2021
355	Exhibit 2	7/30/2021
356	Exhibit 3	7/30/2021
357	Proposed Order Granting Motion to Compel Discovery	7/30/2021
358	Notice of Submission	7/30/2021
359	Texas Reits Response to WCWs Motion	8/6/2021
360	Exhibit A.	8/6/2021
361	Proposed Order Denying Motion to Compel Discovery	8/6/2021
362	WCW Houston Properties LLCs Reply to Texas Reit LLCs Response to its Motion to Compel Discovery	8/6/2021
363	Exhibit 1	8/6/2021
364	Texas Reits Sur Reply to WCWs Response to TRLs Response	8/9/2021
365	TRIAL PREPARATION ORDER	8/11/2021
366	Certificate of Conference on Motion to Strike	8/12/2021
367	Proposed Order Granting Defendant Texas Reit's Motion for Summary Judgment Concerning The Six Year Statute of Limitations	8/12/2021
368	Plaintiffs Response to Motion to Strike and Motion to Adopt Federal Pleadings	8/13/2021
369	Exhibit 01	8/13/2021
370	Exhibit 02	8/13/2021
371	Exhibit 03	8/13/2021
372	Exhibit 04	8/13/2021
373	Exhibit 05	8/13/2021
374	Exhibit 06	8/13/2021
375	Exhibit 07	8/13/2021

376	Exhibit 08	8/13/2021
377	Exhibit 09	8/13/2021
378	Exhibit 10	8/13/2021
379	Exhibit 11	8/13/2021
380	Exhibit 12	8/13/2021
381	Exhibit 13	8/13/2021
382	Exhibit 14	8/13/2021
383	Exhibit 15	8/13/2021
384	Exhibit 16	8/13/2021
385	Exhibit 17	8/13/2021
386	Proposed Order Denying Motion to Strike Pleadings	8/13/2021
387	Defendant Texas Reit LLCs Reply Regarding Motion to Strike Dalio Holdings I, LLC from this Lawsuit and Plaintiffs Claims Against Dalio Holdings I, LLC	8/13/2021
388	ORDER SIGNED DENYING DISCOVERY	8/14/2021
389	Texas Reits Amended Sur Reply to WCWs Motion to Compel Discovery	8/16/2021
390	WCW Houston Properties LLC's Response to the Amended Sur-Reply to WCW's Motion to Compel Discovery	8/16/2021
391	Notice of Intent to Use Documents Produced In Discovery	8/16/2021
392	ORDER SIGNED DENYING MOTION TO STRIKE PLEADING	8/16/2021
393	Third Agreed Motion for Trial Continuance and Entry of An Amended Limited Docket Control Order	9/7/2021
394	Proposed Agreed Scheduling Order	9/7/2021
395	Proposed Agreed Scheduling Order	9/7/2021
396	DOCKET CONTROL/PRETRIAL ORDER SIGNED	9/9/2021
397	ORDER SIGNED GRANTING TRIAL CONTINUANCE	9/9/2021
398	ORDER SIGNED RESETTING TRIAL	9/10/2021
399	Defendant Texas Reit LLCs Motion to Expunge Lis Pendens and Request for Oral Hearing	9/21/2021
400	Exhibit A	9/21/2021
401	Exhibit B	9/21/2021
402	Exhibit C	9/21/2021
403	Proposed Order Granting Defendant Texas Reit LLCs Motion to Expunge Lis Pendens	9/21/2021
404	Plaintiffs Unopposed Motion for Leave to Amend Pleadings	9/21/2021
405	Exhibit 01	9/21/2021
406	Notice of Submission	9/21/2021
407	Proposed Order Granting Leave to File Amended Petition	9/21/2021
408	Designation of Lead Counsel	9/22/2021
409	Defendants Objection to Plaintiffs Unopposed Motion for Leave to Amend Pleadings	9/22/2021
410	151 Notice of Hearing (Oral)	9/22/2021
411	Plaintiffs Reply to the Defendants Objection to Its Unopposed Motion for Leave to Amend Pleadings	9/23/2021

412	Exhibit 01	9/23/2021
413	Exhibit 02	9/23/2021
414	Exhibit 03	9/23/2021
415	Proposed Transcript Order Form and Waiver of Notice	9/23/2021
416	Return Mail Undeliverable	9/27/2021
417	WCWs Objection and Response to Defendants Motion to Expunge	10/1/2021
418	Proposed Order Denying Motion to Expunge	10/1/2021
419	Return Mail Undeliverable	10/4/2021
420	Return Mail Undeliverable	10/4/2021
421	Return Mail Undeliverable	10/5/2021
422	Return Mail Undeliverable	10/5/2021
423	ORDER GRANTING LEAVE TO FILE PLEADING SIGNED	10/6/2021
424	WCW Houston Properties LLCs Fifth Amended Petition	10/11/2021
425	Exhibit A	10/11/2021
426	Exhibit B	10/11/2021
427	Exhibit C	10/11/2021
428	Exhibit D	10/11/2021
429	Exhibit E	10/11/2021
430	Exhibit F	10/11/2021
431	Exhibit G	10/11/2021
432	Exhibit H	10/11/2021
433	Exhibit I	10/11/2021
434	Exhibit J	10/11/2021
435	151 Notice of Hearing (Oral)	10/15/2021
436	Notice of Change of Address	10/26/2021
437	WCW Houston Properties LLCs Motion to Compel Discovery Against Texas reit, LLC and Dalio Holdings I, LLC	10/27/2021
438	Exhibit 01	10/27/2021
439	Exhibit 02	10/27/2021
440	Exhibit 03	10/27/2021
441	Exhibit 04	10/27/2021
442	Exhibit 05	10/27/2021
443	Exhibit 06	10/27/2021
444	Notice of Submission	10/27/2021
445	Proposed Order Granting Motion to Compel Discovery	10/27/2021
446	Notice of Attorneys Change of Name and Address	10/27/2021
447	WCW Houston Properties, LLC' s Supplemental Response to Texas Reit, LLC's Motion to Expunge Lis Pendes	10/29/2021
448	Exhibit 01	10/29/2021
449	Exhibit 02	10/29/2021
450	Exhibit 03	10/29/2021
451	Exhibit 04	10/29/2021

452	Exhibit 05	10/29/2021
453	Exhibit 06	10/29/2021
454	Exhibit 07	10/29/2021
455	Exhibit 08	10/29/2021
456	Exhibit 09	10/29/2021
457	Exhibit 10	10/29/2021
458	Notice of Delivery	11/5/2021
459	ORDER SIGNED AWARDING ATTORNEY FEES	11/8/2021
460	ORDER SIGNED COMPELLING PRODUCTION	11/8/2021
461	Defendants Expedited Motion to Vacate Order Granting Motion to Compel	11/12/2021
462	Exhibit A	11/12/2021
463	Exhibit B	11/12/2021
464	Exhibit C	11/12/2021
465	Exhibit D	11/12/2021
466	Exhibit E	11/12/2021
467	Proposed Order Vacating Order Granting Motion to Compel Discovery	11/12/2021
468	151 Notice of Hearing (Oral)	11/18/2021
469	Defendants Motion to Quash Oral Deposition of Ali Choudhri	11/18/2021
470	Exhibit A	11/18/2021
471	Proposed Order Granting Defendants Motion to Quash Oral Deposition of Ali Choudhri	11/18/2021
472	Defendants Motion to Quash Oral Deposition of Azeemah Zaheer	11/18/2021
473	Exhibit A	11/18/2021
474	Proposed Order Granting Defendants Motion to Quash Oral Deposition of Azeemah Zaheer	11/18/2021
475	WCW Houston Properties LLCs Response to Defendants Motions to Quash and its Motion to Compel Depositions	11/19/2021
476	Exhibit 01	11/19/2021
477	Exhibit 02	11/19/2021
478	Exhibit 03	11/19/2021
479	Exhibit 04	11/19/2021
480	Exhibit 05	11/19/2021
481	Exhibit 06	11/19/2021
482	Exhibit 07	11/19/2021
483	Exhibit 08	11/19/2021
484	Exhibit 09	11/19/2021
485	Proposed Order	11/19/2021
486	Notice of Submission Hearing	11/19/2021
487	Notice of Hearing	11/22/2021
488	Certificate of Conference	11/23/2021
489	Defendants' Request For Oral Hearing	11/24/2021
490	Proposed Order Setting Oral Hearing	11/24/2021

491	Defendants Reply to Motions to Quash Oral Depositions and Response to WCW Houston Properties LLCs Motion to Compel Depositions	11/24/2021
492	Exhibit A	11/24/2021
493	WCW Houston Properties, LLCs Response to Motion to Defendants Motion to Vacate Order Granting Motion to Compel	11/24/2021
494	Exhibit 01	11/24/2021
495	Exhibit 02	11/24/2021
496	Exhibit 03	11/24/2021
497	WCW Houston Properties, LLCs Motion to Quash and for Protective Order	11/24/2021
498	Exhibit 01	11/24/2021
499	Exhibit 02	11/24/2021
500	Exhibit 03	11/24/2021
501	Exhibit 04	11/24/2021
502	Return Mail Undeliverable	11/24/2021
503	Return Mail Undeliverable	11/24/2021
504	WCW Houston Properties, LLC's Reply Brief On Its Motion To Compel Depositions	11/29/2021
505	Exhibit 01	11/29/2021
506	ORDER SIGNED COMPELLING PRODUCTION	11/29/2021
507	ORDER SIGNED DENYING MOTION TO QUASH DEPOSITION	11/29/2021
508	Return Mail Undeliverable	11/30/2021
509	Return Mail Undeliverable	11/30/2021
510	ORDER SIGNED DENYING MOTION TO COMPEL PRODUCTION	12/6/2021
511	ORDER SIGNED SETTING ASIDE ORDER	12/6/2021
512	Return Mail Undeliverable	12/10/2021
513	Return Mail Undeliverable	12/10/2021
514	Return Mail Undeliverable	12/13/2021
515	Return Mail Undeliverable	12/17/2021
516	Return Mail Undeliverable	12/20/2021
517	Return Mail Undeliverable	12/20/2021
518	Return Mail Undeliverable	12/21/2021
519	Plaintiff's Motion for Discovery Sanctions	12/27/2021
520	Proposed Order for Discovery Sanctions	12/27/2021
521	Notice of Submission Hearing	12/27/2021
522	Return Mail Undeliverable	12/27/2021
523	Return Mail Undeliverable	12/27/2021
524	Return Mail Undeliverable	12/27/2021
525	Return Mail Undeliverable	12/27/2021
526	Return Mail Undeliverable	12/28/2021
527	Return Mail Undeliverable	12/28/2021

528	151 Notice of Hearing (Oral)	1/4/2022
529	Notice of Hearing	1/4/2022
530	Defendants Response to Plaintiffs Motion for Discovery Sanctions, Motion to Reconsider and Request for Oral Hearing	1/7/2022
531	Exhibit A	1/7/2022
532	Proposed Order	1/7/2022
533	Proposed Order Setting Oral Hearing	1/7/2022
534	Verification	1/7/2022
535	Plaintiffs Reply to the Defendants Response to Plaintiffs Motion for Discovery Sanctions	1/7/2022
536	Exhibit 01	1/7/2022
537	Exhibit 02	1/7/2022
538	ORDER GRANTING SANCTIONS SIGNED	1/14/2022
539	ORDER SIGNED AWARDING ATTORNEY FEES	1/14/2022
540	Notice to Court	1/18/2022
541	Notice of Deposition of Steven Wu	1/31/2022
542	Return Mail Undeliverable	1/31/2022
543	Return Mail Undeliverable	2/1/2022
544	Return Mail Undeliverable	2/1/2022
545	Return Mail Undeliverable	2/2/2022
546	Return Mail Undeliverable	2/4/2022
547	Return Mail Undeliverable	2/10/2022
548	WCW Houston Properties, LLC's Motion for Final Summary Judgment	2/15/2022
549	Exhibit 01	2/15/2022
550	Exhibit 02	2/15/2022
551	Exhibit 03	2/15/2022
552	Exhibit 04	2/15/2022
553	Exhibit 05	2/15/2022
554	Exhibit 06	2/15/2022
555	Exhibit 07	2/15/2022
556	Exhibit 08	2/15/2022
557	Exhibit 09	2/15/2022
558	Exhibit 10	2/15/2022
559	Exhibit 11	2/15/2022
560	Exhibit 12	2/15/2022
561	Letter to Clerk filing additional exhibits to Motion for Final Summary Judgment	2/15/2022
562	151 Notice of Hearing (Oral)	2/16/2022
563	Return Mail Undeliverable	2/17/2022
564	Plaintiffs Designation of Lead Counsel	2/22/2022
565	Plaintiff's Unopposed Motion to Substitute Lead Counsel	2/24/2022
566	Proposed Order Substituting Lead Counsel	2/24/2022
567	ORDER SIGNED SUBSTITUTING ATTORNEY OF RECORD	2/25/2022

568	Defendants Response to Plaintiffs Motion for Final Summary Judgment	3/8/2022
569	Business Records Affidavit	3/8/2022
570	Exhibit 01	3/8/2022
571	Exhibit 02	3/8/2022
572	Defendants Motion to Strike Plaintiffs Summary Judgment Evidence	3/8/2022
573	Proposed Order on Defendants Motion to Strike Plaintiffs Summary Judgment Evidence	3/8/2022
574	TRIAL PREPARATION ORDER	3/8/2022
575	Rule 11 Agreement	3/8/2022
576	Exhibit 01 - Email Regarding Agreement	3/8/2022
577	Proposed Final Summary Judgment	3/9/2022
578	Motion for Contempt for Violation of Modified Temporary Sealing Order	3/9/2022
579	Exhibit 01 - Modified Temporary Sealing Order	3/9/2022
580	Exhibit 02 - Order Granting Appellants Emergency Motion	3/9/2022
581	Exhibit 03 - page 9 of transcript	3/9/2022
582	Exhibit 04 - page 21 of transcript	3/9/2022
583	Plaintiffs Motion to Supplement Summary Judgment Record	3/10/2022
584	Exhibit 01	3/10/2022
585	Exhibit 13	3/10/2022
586	Exhibit 14	3/10/2022
587	Exhibit 15	3/10/2022
588	Exhibit 16	3/10/2022
589	Exhibit 17	3/10/2022
590	Proposed Order Granting Motion to Supplement Summary Judgment Record	3/10/2022
591	WCW Houston Properties, LLC's Reply to Defendants' Response to Its Motion for Final Summary Judgment	3/11/2022
592	Exhibit 01	3/11/2022
593	Plaintiffs Response to Defendants Motion to Strike Evidence and Defendants Evidentiary Objections	3/11/2022
594	Exhibit 01	3/11/2022
595	Exhibit 02	3/11/2022
596	Plaintiff's Motion to Quash Depositions	3/11/2022
597	Exhibit 01	3/11/2022
598	Notice of Submission	3/11/2022
599	Defendants Response to Plaintiffs Motion to Supplement Summary Judgment Record and Motion to Strike as Untimely and Motion for Continuance	3/21/2022
600	Filing Letter	3/21/2022
601	Filing Letter	3/21/2022
602	WCWs Reply to the Defendants Response to its Motion to Supplement Summary Judgment Record	3/22/2022



603	ORDER SIGNED DENYING FINAL SUMMARY JUDGMENT	3/22/2022
604	ORDER SIGNED DENYING FINAL SUMMARY JUDGMENT	3/22/2022
605	ORDER GRANTING STRIKING OF PLEADING IN PART SIGNED	3/22/2022
606	Plaintiffs Motion for Summary Judgment and in the Alternative Request for Declaration of Undisputed	3/28/2022
607	Exhibit 01	3/28/2022
608	Exhibit 02	3/28/2022
609	Exhibit 03	3/28/2022
610	Exhibit 04	3/28/2022
611	Exhibit 05	3/28/2022
612	Exhibit 06	3/28/2022
613	Exhibit 07	3/28/2022
614	Exhibit 08	3/28/2022
615	Exhibit 09	3/28/2022
616	Exhibit 10	3/28/2022
617	Exhibit 11	3/28/2022
618	Exhibit 12	3/28/2022
619	Exhibit 13	3/28/2022
620	Exhibit 14	3/28/2022
621	Exhibit 15	3/28/2022
622	Exhibit 16	3/28/2022
623	Exhibit 17	3/28/2022
624	Exhibit 18	3/28/2022
625	Proposed Summary Judgment	3/28/2022
626	Notice of Submission Hearing	3/28/2022
627	Filing Letter	3/28/2022
628	Letter to Clerk filing additional exhibits	3/28/2022
629	Return Mail Undeliverable	3/29/2022
630	Return Mail Undeliverable	3/29/2022
631	Return Mail Undeliverable	3/29/2022
632	Return Mail Undeliverable	4/1/2022
633	Fourth Joint Agreed Motion for Trial Continuance	4/5/2022
634	Proposed Order Granting Joint Agreed Motion for Trial Continuance	4/5/2022
635	Return Mail Undeliverable	4/5/2022
636	Return Mail Undeliverable	4/5/2022
637	ORDER SIGNED GRANTING TRIAL CONTINUANCE	4/6/2022
638	ORDER SIGNED GRANTING PREFERENTIAL TRIAL SETTING	4/6/2022
639	ORDER SIGNED RESETTING TRIAL	4/7/2022
640	Exhibit 1	4/11/2022
641	Exhibit 2	4/11/2022
642	Exhibit 3	4/11/2022



643	Exhibit 4	4/11/2022
644	Exhibit 5	4/11/2022
645	Proposed Order on Plaintiffs 2nd Motion for Summary Judgment	4/11/2022
646	Defendants Response to Plaintiffs 2nd Motion for Summary Judgment and in the Alternative Request for Declaration of Undisputed Issues Under Rule 166	4/11/2022
647	Affidavit of Jennifer MacGeorge	4/11/2022
648	Plaintiffs Reply to Defendants Response to its Second Motion for Summary Judgment and in the Alternative Request for Declaration of Undisputed Facts Under Rule 166	4/18/2022
649	Declaration of M. Kevin Powers	4/18/2022
650	Exhibit 1	4/18/2022
651	Exhibit 2	4/18/2022
652	Motion to Withdraw as Counsel	4/18/2022
653	Proposed Order Granting Motion to Withdraw as Counsel	4/18/2022
654	Defendants Request for Oral Hearing	4/18/2022
655	WCW Houston Properties LLCs Response to Defendants Request for Oral Hearing	4/18/2022
656	ORDER FOR INTERLOCUTORY SUMMARY JUDGMENT SIGNED	4/18/2022
657	ORDER SGND GRANTING SALE OF PROPERTY	4/18/2022
658	Return Mail Undeliverable	4/19/2022
659	Return Mail Undeliverable	4/19/2022
660	Return Mail Undeliverable	4/19/2022
661	Return Mail Undeliverable	4/20/2022
662	Notice of Submission	4/21/2022
663	Proposed Amended Order Granting Motion to Withdraw as Counsel	4/25/2022
664	Return Mail Undeliverable	4/27/2022
665	Return Mail Undeliverable	4/27/2022
666	Return Mail Undeliverable	4/27/2022
667	Return Mail Undeliverable	4/27/2022
668	WCW Houston Properties, LLC's Special Exceptions to Texas REIT LLC's Original Petition	4/29/2022
669	Proposed Order Granting Special Exceptions	4/29/2022
670	Notice of Submission Hearing	4/29/2022
671	ORDER GRANTING WITHDRAWAL OF ATTORNEY SIGNED	5/2/2022
672	Return Mail Undeliverable	5/4/2022
673	Return Mail Undeliverable	5/4/2022
674	Cross Plaintiffs Response to Cross Defendants Special Exceptions	5/9/2022
675	ORDER SIGNED GRANTING SPECIAL EXCEPTIONS	5/9/2022
676	Cross-Plaintiffs First Amended Petition and Permanent Injunctions	5/24/2022

677	WCW Houston Properties LLCs Motion to Modify Docket Control Order	6/17/2022
678	Notice of Submission	6/17/2022
679	Proposed Order Modifying Docket Control Order	6/17/2022
680	ORDER MODIFYING AND AMENDING TEMPORARY ORDERS SIGNED	6/28/2022
681	Wcw Houston Properties, Llcs Original Answer The First Amended Petition Of Texas Rett Llc	7/1/2022
682	WCW Houston Properties, LLC's Motion for Summary Judgment on Texas REIT, LLC's Counterclaims	7/1/2022
683	Exhibit 01	7/1/2022
684	Exhibit 02	7/1/2022
685	Exhibit 03	7/1/2022
686	Exhibit 04	7/1/2022
687	Exhibit 05	7/1/2022
688	Exhibit 06	7/1/2022
689	Exhibit 07	7/1/2022
690	Exhibit 08	7/1/2022
691	Exhibit 09	7/1/2022
692	Exhibit 10	7/1/2022
693	Exhibit 11	7/1/2022
694	Exhibit 12	7/1/2022
695	Exhibit 13	7/1/2022
696	Exhibit 14	7/1/2022
697	Exhibit 15	7/1/2022
698	Exhibit 16	7/1/2022
699	Exhibit 17	7/1/2022
700	Exhibit 18	7/1/2022
701	Exhibit 19	7/1/2022
702	Proposed Interlocutory Summary Judgment	7/1/2022
703	Notice of Submission Hearing	7/1/2022
704	TRIAL PREPARATION ORDER	7/6/2022
705	Defendants Motion for Reconsideration of Summary Judgment	7/8/2022
706	Notice of Submission	7/8/2022
707	WCW Houston Properties LLCs Response to Defendants Motion for Reconsideration of Summary Judgment	7/15/2022
708	Proposed Order Denying Motion for Reconsideration	7/15/2022
709	Texas Reits Response to WCWs Motion for Summary Judgment on Texas Reits Counterclaims	7/19/2022
710	Exhibit 01	7/19/2022
711	Exhibit 02	7/19/2022
712	Exhibit 03	7/19/2022
713	Exhibit 04	7/19/2022
714	Exhibit 05	7/19/2022

715	Exhibit 06	7/19/2022
716	Exhibit 07	7/19/2022
717	Motion To Request Grant For Leave	7/19/2022
718	WCW Houston Properties LLCs Reply to the Defendants Response to Its Motion for Summary Judgment on Texas Reit LLCs Counterclaims	7/22/2022
719	WCW Houston Properties LLCs Objections to Defendants Summary Judgment Evidence	7/22/2022
720	Proposed Order Excluding Judgment Evidence	7/22/2022
721	Defendants Amended Motion for Leave	7/22/2022
722	Proposed Order Granting Defendants Amended Motion for Leave to File	7/22/2022
723	Proposed Order Denying WCWs Motion for Summary Judgment and Granting Texas Reits Special Exceptions	7/22/2022
724	WCW Houston Properties LLCs Response in Opposition to Defendants Motion for Leave	7/25/2022
725	Defendants Request for Oral Hearing	7/26/2022
726	Certificate of Conference for Defendants Motion for Reconsideration	7/26/2022
727	DCA Generic Letter	7/29/2022
728	ORDER DENYING ORAL HEARING SIGNED	7/30/2022
729	ORDER FOR INTERLOCUTORY SUMMARY JUDGMENT SIGNED	7/30/2022
730	ORDER SIGNED STRIKING EVIDENCE GRANTED	7/30/2022
731	Notice of Partial Nonsuit and Request for Entry of Final Judgment	8/5/2022
732	Proposed Final Summary Judgment	8/5/2022
733	Proposed Order Granting Notice of Nonsuit	8/5/2022
734	ORDER OF PARTIAL NONSUIT SIGNED	8/7/2022
735	FINAL SUMMARY JUDGMENT SIGNED	8/7/2022
736	Return Mail Undeliverable	8/9/2022
737	Return Mail Undeliverable	8/9/2022
738	Return Mail Undeliverable	8/9/2022
739	Return Mail Undeliverable	8/9/2022
740	Supplement to Motion for (Partial) Reconsideration of April 18 2022 Summary Judgment Issues of Equitable Subordination & Collateral Estoppel	8/11/2022
741	Notice Of Oral Hearing	8/11/2022
742	Proposed Order On Motion For (Partial) Reconsideration Of April 18, 2022 Summary Judgement: Issues Of Equitable Subordination & Collateral Estoppel	8/11/2022
743	Notice of Appearance of Allen Zwernemann	8/11/2022
744	Return Mail Undeliverable	8/16/2022
745	Return Mail Undeliverable	8/16/2022
746	Return Mail Undeliverable	8/18/2022

747	Return Mail Undeliverable	8/18/2022
748	Return Mail Undeliverable	8/18/2022
749	Return Mail Undeliverable	8/24/2022
750	Request for Findings of Fact and Conclusions of Law	8/26/2022
751	Request for Findings of Fact and Conclusions of Law	8/26/2022
752	ORDER SIGNED DENYING FINDINGS OF FACTS/CONCLUSIONS OF LAW	8/29/2022
753	Proposed Order on Defendants Joint Motion for New Trial and Joint Motion to Modify, Correct and Reform the Courts August 7, 2022 Final Summary Judgment	9/6/2022
754	Notice of Oral Hearing	9/6/2022
755	DEFENDANTS' JOINT MOTION FOR NEW TRIAL AND JOINT MOTION TO MODIFY, CORRECT, AND REFORM THE COURT'S AUGUST 7, 2022 FINAL SUMMARY JUDGMENT	9/6/2022
756	First Amended Notice Of Oral Hearing	9/29/2022
757	WCW Houston Properties LLCs Response to Defendants Motion for New Trial and Joint Motion to Modify, Correct, and Reform the Courts August 7, 2022 Final Summary Judgment	9/30/2022
758	Proposed Order Denying Post-Judgment Motions	10/3/2022
759	Deputy Reporter Statement	10/6/2022
760	ORD SGN DENYING RECONSIDERATION	10/7/2022
761	ORDER DENYING MOTION FOR NEW TRIAL SIGNED	10/7/2022
762	Proposed Order on Defendants Evidentiary Objections to Plaintiffs Summary Judgment Evidence	10/13/2022
763	Filing Letter	10/14/2022
764	Proposed Order on Defendants Evidentiary Objections to Plaintiffs Summary Judgment Evidence	10/14/2022
765	Return Mail Undeliverable	10/24/2022
766	Return Mail Undeliverable	10/24/2022
767	Return Mail Undeliverable	10/24/2022
768	Defendants' Notice of Appeal	11/4/2022
769	Notice from Fourteenth Court of Appeals	11/9/2022
770	DECLARATION OF NET WORTH PURSUANT TO TEX.R.APP. 24.2(C)(1)	11/14/2022
771	Return Mail Undeliverable	11/14/2022
772	Return Mail Undeliverable	11/14/2022
773	Return Mail Undeliverable	11/14/2022
774	SUPERSEDEAS BOND FILED	11/15/2022
775	Defendants Designation Of Materials For Clerks Record	11/15/2022
776	Letter to Court	11/23/2022
777	Notice from Fourteenth Court of Appeals	12/6/2022
778	WCW Houston Properties, LLCs Designation Of Materials For Clerks Record	12/7/2022
779	WCW Houston Properties LLCs Motion to Compel Net Worth Discovery Against Texas Reit LLC	12/27/2022

780	Exhibit 1	12/27/2022
781	Exhibit 2	12/27/2022
782	Exhibit 3	12/27/2022
783	Proposed Order Compelling Net Worth Discovery	12/27/2022
784	Notice of Submission	12/27/2022
785	Reporters Certificate Deposition Of Ali Choudhri December 8, 2021	12/27/2022
786	Judgment Creditors' Contest of Texas REIT, LLC's Net Worth Declaration	12/29/2022
787	Defendants Response to Plaintiffs Motion to Compel	12/30/2022
788	Exhibit 01	12/30/2022
789	Proposed Order Denying Plaintiffs Motion to Compel	12/30/2022
790	ORDER SIGNED COMPELLING PRODUCTION	1/5/2023
791	Unopposed Motion to Withdraw as Counsel for Defendants	1/9/2023
792	Proposed Order on Motion to Withdraw as Counsel for Defendants	1/9/2023
793	ORDER SIGNED GRANTING ENTRY OF TEMPORARY ORDERS	1/9/2023
794	Notice of Submission Of Unopposed Motion To Withdraw As Counsel For Defendants	1/12/2023
795	Defendants Motion to Set Security and Permit Sale of Property Subject to Deposit of Security	2/8/2023
796	Exhibit A	2/8/2023
797	Exhibit B	2/8/2023
798	Proposed Order Granting Defendants Motion to Set Security and Permit Sale of Property Subject to Deposit of Security	2/8/2023
799	151 Notice of Hearing (In-Person)	2/9/2023
800	Defendants Supplemented Certificate To Conference To Its Motion To Set Security And Permit Sale Of Property Subject To Deposit Of Security	3/1/2023
801	Defendant Texas Reit, LLCs Amended Notice Of Oral Hearing	3/7/2023
802	Notice of Hearing	3/10/2023
803	Judgment Creditors' Response To Defendant's Motion To Set Security and Permit Sale Of Property Subject to Deposit of Security	3/31/2023
804	Exhibit 01	3/31/2023
805	Proposed Order Denying Motion to Set Security And Permit Sale Of Property Subject To Deposit Of Security	3/31/2023
806	Amended Notice of Hearing	4/3/2023
807	Defendant Texas Reit, LLCs Amended Notice Of Oral Hearing	4/19/2023
808	Notice of Reconvened Hearing	5/30/2023
809	Amended Notice of Reconvened Hearing	5/30/2023
810	Supplemental Clerks Record Request	6/14/2023
811	Second Amended Notice of Reconvened Hearing	6/30/2023
812	Proposed Order Determining Net Worth of Judgment Debtor	7/21/2023

813	Unopposed Motion to Withdraw as Counsel	7/26/2023
814	Proposed Order Granting Motion to Withdraw as Counsel	7/26/2023
815	Defendants Post-Hearing Brief	8/2/2023
816	Judgment Creditors Brief on Net Worth	8/2/2023
817	First Supplement to Unopposed Motion to Withdraw as Counsel	8/3/2023
818	ORDER GRANTING WITHDRAWAL OF ATTORNEY SIGNED	8/5/2023
819	Proposed Order Determining Net Worth of Judgment Debtor and Setting Supersedeas	8/7/2023
820	ORDER SETTING BOND SIGNED	8/8/2023
821	ORDER SIGNED GRANTING ENTRY OF TEMPORARY ORDERS	8/8/2023
822	Return Mail Undeliverable	8/16/2023
823	Return Mail Undeliverable	8/18/2023
824	Return Mail Undeliverable	8/18/2023
825	Return Mail Undeliverable	8/18/2023
826	Filing Letter Regarding Stay of Supersedeas Order	8/21/2023
827	Deputy Reporter Statement	9/7/2023
828	Order From Fourteenth Court of Appeals	11/14/2023
829	Application for Turnover After Judgment and For Appointment of Receiver	1/26/2024
830	Exhibit A	1/26/2024
831	Proposed Order Appointing Receiver	1/26/2024
832	Notice of Submission	1/26/2024
833	Notice of Submission	1/29/2024
834	Suggestion of Bankruptcy	2/7/2024
835	ORDER SETTING BOND SIGNED	2/12/2024
836	ORDER SIGNED AWARDING ATTORNEY FEES	2/12/2024
837	ORDER SIGNED GRANTING MOTION FOR TURNOVER	2/12/2024
838	ORDER TO APPOINT RECEIVER GRANTED	2/12/2024
839	Return Mail Undeliverable	2/27/2024
840	Return Mail Undeliverable	2/27/2024
841	Return Mail Undeliverable	2/27/2024
842	Return Mail Undeliverable	3/4/2024
843	Return Mail Undeliverable	3/14/2024
844	Memorandum Opinion From Fourteenth Court Of Appeals	6/6/2024
845	Oath of Receiver	6/14/2024



CAUSE NO. \_\_\_\_\_

ARCHITECTURAL SERVICES  
INTERNATIONAL, INC.§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

VS.

HARRIS COUNTY, TEXAS

TEXAS REIT, LLC

\_\_\_\_\_ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

COMES NOW, Plaintiff, ARCHITECTURAL SERVICES INTERNATIONAL, INC, complaining of TEXAS REIT, LLC, Defendant, and files this Original Petition. Plaintiff intend to conduct discovery in this cause under Level 2 as that is described in Rule 190.3 of the Texas Rules of Civil Procedure. Plaintiff allege that they seek monetary relief aggregating more than \$50,000, excluding costs and prejudgment interest. For cause of action Plaintiff would show unto the Court as follows:

**I.**  
**Parties**

A. Plaintiff, ARCHITECTURAL SERVICES INTERNATIONAL, INC., is a Texas Corporation.

B. Defendant, TEXAS REIT, LLC, is a Texas corporation doing business in Harris County, Texas, and can be served with process by serving its Manager, Mr. Ali Choudhri, 2500 West Loop South, Suite 255, Houston, Texas 77027.

**II.**  
**Jurisdiction and Venue**

This court has jurisdiction over the parties and venue is appropriate in Harris County, Texas because Defendant entered into a contract with Plaintiff in that county and Defendant's primary place of business is in Harris County, Texas.

**III.**  
**Factual Background**

This is a suit on a Promissory Note. On or about May 2, 2008, Defendant, TEXAS REIT, LLC, executed and delivered to Plaintiff their promissory note in the amount of \$1,500,000.00 ("Note") to "ARCHITECTURAL SERVICES INTERNATIONAL, INC. See copy of Note attached

as Exhibit "1". The Note included principle of \$1,500,000.00 and interest at eight percent (8%). The Plaintiff and Defendant executed a Modification Agreement in February, 2012. See copy of Modification Agreement as Exhibit "2". However, TEXAS REIT, LLC's payments were sporadic and December, 2016 was the date of TEXAS REIT, LLC's last payment. After all credits for payments made are deducted and all contractual penalties for late payments are added, the remaining principle still owed by TEXAS REIT, LLC to Plaintiff totals more than \$1,458,000.00. Additionally, pursuant to the terms of the Note, TEXAS REIT, LLC owes interest on all matured, unpaid balances.

Defendant was served with a notice and demand letter from Plaintiff which gave TEXAS REIT, LLC thirty (30) days to tender payment for the full amount of principal and interest due. More than thirty (30) days will have passed and Defendant, TEXAS REIT, LLC, has not made payment on the debt or in accordance with the Note. The Note and Modification Agreement made the basis of this lawsuit are attached hereto as Exhibits "1" and "2" and are incorporated in this petition by reference. Plaintiff has fully complied with the Note.

#### **IV. Breach of Contract**

##### **A. Default**

Defendant has defaulted in payment of the Note and debt described therein. After all credits for payments made are deducted and all late fees in accordance with the Note are added, there is currently due the principle sum of \$1,458,000.00. Additionally, as provided for in the Note, interest on all matured, unpaid amounts is also due.

##### **B. Conditions Precedent**

All conditions precedent have been performed or have occurred.

#### **V. Attorney's Fees**

Plaintiff are entitled to recover reasonable and necessary attorney fees under the Texas Civil Practice & Remedies Code chapter 38 because this suit is for breach of a written contract and/or quantum meruit. Plaintiff presented their claim to Defendant and Defendant has failed to tender the amount owed. Defendant's default has made it necessary for Plaintiff to file this lawsuit and incur attorney's fees for representation herein for which Plaintiff now brings suit.



**VI.**  
**Collection of Debt**

This is an attempt to collect a debt. Any information obtained will be used for that purpose.

**VII.**  
**Damages**

- A. Actual damages in the amount of \$1,458,000.00 in accordance with the written agreement;
- B. Interest as provided in the written agreement and/or by law;
- C. Pre-judgment and post-judgment interest as allowed by law;
- D. Reasonable attorney's fees;
- E. Costs of court; and
- F. All other relief to which Plaintiff is entitled.

**Prayer**

WHEREFORE, PREMISES CONSIDERED, Plaintiff pray that Defendant be cited to appear and answer and that upon final hearing, Plaintiff recover judgment against Defendant for the damages as they may appear at trial hereof, together with prejudgment and post-judgment interest, costs of court, and such other relief to which Plaintiff may be entitled.

Respectfully submitted,  
**LAW OFFICES OF DAVID L. THORNTON**

By: 

DAVID L. THORNTON  
TBN: 19976900  
D. MICHAEL HENDERSON, JR.  
TBN: 00792576  
Attorneys for Plaintiff  
699 S. Friendswood Dr.,  
Suite 105  
Friendswood, Texas 77546  
Phone: (281) 482-1800  
Fax: (281) 482-1852  
Email: david@thorntonlawfirm.com



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this July 3, 2024

Certified Document Number: 75248519 Total Pages: 3

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 51.301 and 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**

RECEIPT NUMBER 0.00  
TRACKING NUMBER 73377079 ATY

CAUSE NUMBER 201735320

PLAINTIFF: ARCHITECTURAL SERVICES INTERNATIONAL INC  
vs.  
DEFENDANT: TEXAS REIT LLC  
In The 151st  
Judicial District Court of  
Harris County, Texas

THE STATE OF TEXAS  
County of Harris

CITATION CORPORATE

TO: TEXAS REIT LLC (TEXAS CORPORATION) MAY BE SERVED BY SERVING ITS  
MANAGER ALI CHOUDHRI  
2500 WEST LOOP SOUTH SUITE 255 HOUSTON TX 77027

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION.

This instrument was filed on the 25th day of May, 2017, in the  
above cited cause number, and court. The instrument attached describes the claim against you.

**YOU HAVE BEEN SUED;** you may employ an attorney. If you or your attorney do not file a written answer with the  
District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were  
served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This Citation was issued under my hand and seal of said Court, at Houston, Texas, this 25th day of  
May, 2017.

Issued at request of:  
THORNTON, DAVID L.  
699 S. FRIENDSWOOD DR. SUITE  
105  
FRIENDSWOOD, TX 77546  
TEL: (281) 482-1800  
Bar Number: 19976900



*Chris Daniel*  
CHRIS DANIEL, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002  
P.O. Box 4651, Houston, Texas 77210

Generated by: PRINCEFIELD, REGINA LYNN  
G8B//10692659

OFFICER/AUTHORIZED PERSON RETURN

I received this citation on the 3rd day of July, 2017, at 2:44 clock P., endorsed  
the date of delivery thereon, and executed it at 200 Lamar St. Ste 401 Austin Texas 78701.  
(STREET ADDRESS) (CITY)

in TRAVIS County, Texas on the 6th day of July, 2017, at 11:40 clock A.,  
by delivering to TEXAS REIT LLC by delivering to its registered agent, Legal Registered  
Agent Services Inc. by delivering to James Torres, Leasing Manager.  
(THIS DEFENDANT CORPORATION NAMED IN CITATION)  
(REGISTERED AGENT, PRESIDENT, or VICE PRESIDENT)

a true copy of this citation; with a copy of the \_\_\_\_\_ Petition attached,  
(DESCRIPTION OF PETITION, E.G., "PLAINTIFF'S ORIGINAL")  
and with accompanying copies of \_\_\_\_\_  
(ADDITIONAL DOCUMENTS, IF ANY, DELIVERED WITH THE PETITION)

I certify that the facts stated in this return are true by my signature below on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

FEE: \$ \_\_\_\_\_

By: B. Lopez 520  
(SIGNATURE OF OFFICER)  
Printed Name: Carlos B. Lopez  
Constable, Travis County, Texas  
As Deputy for: \_\_\_\_\_  
(PRINTED NAME & TITLE OF SHERIFF OR CONSTABLE)

Affiant Other Than Officer

On this day, \_\_\_\_\_, known to me to be the person whose signature  
appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was  
executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public

☒ COMPLETED  
MC

N. INT. CIT. P

\*73377079\*

pd #75 / ck #13014

TOTAL P.002



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this July 3, 2024

Certified Document Number: 75886811 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 51.301 and 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**



RECEIPT NUMBER 0.00

TRACKING NUMBER 73377079 ATY

CAUSE NUMBER 201735320

PLAINTIFF: ARCHITECTURAL SERVICES INTERNATIONAL INC  
vs.  
DEFENDANT: TEXAS REIT LLCIn The 151st  
Judicial District Court of  
Harris County, Texas

## CITATION CORPORATE

THE STATE OF TEXAS  
County of HarrisTO: TEXAS REIT LLC (TEXAS CORPORATION) MAY BE SERVED BY SERVING ITS  
MANAGER ALI CHOUDHRI  
2500 WEST LOOP SOUTH SUITE 255 HOUSTON TX 77027

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION.

This instrument was filed on the 25th day of May, 2017, in the  
above cited cause number and court. The instrument attached describes the claim against you.YOU HAVE BEEN SUED; you may employ an attorney. If you or your attorney do not file a written answer with the  
District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were  
served this citation and petition, a default judgment may be taken against you.

## TO OFFICER SERVING:

This Citation was issued under my hand and seal of said Court, at Houston, Texas, this 25th day of  
May, 2017.Issued at request of:  
THORNTON, DAVID L.  
699 S. FRIENDSWOOD DR. SUITE  
105  
FRIENDSWOOD, TX 77546  
TEL: (281) 482-1800  
Bar Number: 19976900Chris Daniel  
CHRIS DANIEL, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002  
P.O. Box 4651, Houston, Texas 77210Generated by: BRINCEFIELD, REGINA LYNN  
G8B//10692659

## OFFICER/AUTHORIZED PERSON RETURN

I received this citation on the 3rd day of July, 2017, at 2:44 P.M., endorsed  
the date of delivery thereon, and executed it at 700 Lamar St. Ste 1401 Austin, Texas 78701.  
(STREET ADDRESS) (CITY)

in TRAVIS County, Texas on the 6th day of July, 2017, at 11:40 A.M.,

by delivering to TEXAS REIT LLC by delivering to its registered Agent, Legal Register  
Agent Services Inc. by delivering to James Torres, Location Manager.  
(THE DEFENDANT CORPORATION NAMED IN CITATION)  
(REGISTERED AGENT, PRESIDENT, or VICE-PRESIDENT)

a true copy of this citation, with a copy of the \_\_\_\_\_ Petition attached,

and with accompanying copies of \_\_\_\_\_

(DESCRIPTION OF PETITION, E.G., "PLAINTIFFS ORIGINAL")  
(ADDITIONAL DOCUMENTS, IF ANY, DELIVERED WITH THE PETITION)

I certify that the facts stated in this return are true by my signature below on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

FEE: \$ \_\_\_\_\_

By: \_\_\_\_\_

(SIGNATURE OF OFFICER)

Printed Name: \_\_\_\_\_

Carlos B. Lopez  
Constable, Pct. 5, Travis County, Texas

As Deputy for: \_\_\_\_\_

(PRINTED NAME &amp; TITLE OF SHERIFF OR CONSTABLE)

Affiant Other Than Officer

On this day, \_\_\_\_\_, known to me to be the person whose signature  
appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was  
executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public



COMPLETED

MC

N. INT. CIT. C. P

\*73377079\*

FAXED  
7/10/17

Pd \$75. / ck #13014



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this July 3, 2024

Certified Document Number: 77117835 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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**CAUSE NO. 2017-35320**ARCHITECTURAL SERVICES  
INTERNATIONAL, INC.§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

VS.

HARRIS COUNTY, TEXAS

TEXAS REIT, LLC

151<sup>ST</sup> JUDICIAL DISTRICT**PLAINTIFF'S FIRST AMENDED PETITION**

COMES NOW, Plaintiff, **ARCHITECTURAL SERVICES INTERNATIONAL, INC.**, (**herein after "ASI"**) complaining of **TEXAS REIT, LLC**, Defendant, and files this First Amended Petition. Plaintiff intends to conduct discovery in this cause under Level 2 as that is described in Rule 190.3 of the Texas Rules of Civil Procedure. Plaintiff alleges that it seeks monetary relief aggregating more than \$50,000, excluding costs and prejudgment interest. For cause of action Plaintiff would show unto the Court as follows:

**I.**  
**Parties**

A. Plaintiff, **ARCHITECTURAL SERVICES INTERNATIONAL, INC.**, is a Texas Corporation.

B. Defendant, **TEXAS REIT, LLC**, is a Texas corporation doing business in Harris County, Texas, and has been served with process by serving its registered agent, Legal Registered Agent Services, Inc. Despite appropriate service, no answer has been filed, to date, by Defendant.

**II.**  
**Jurisdiction and Venue**

This court has jurisdiction over the parties and venue is appropriate in Harris County, Texas because Defendant entered into a contract with Plaintiff in that county and Defendant's primary place of business is in Harris County, Texas.

### **III. Factual Background**

This is a suit on a Promissory Note. On or about May 2, 2008, Defendant, TEXAS REIT, LLC, executed and delivered to Plaintiff their promissory note in the amount of \$1,500,000.00 (“Note”) to ASI. See copy of Note attached as Exhibit A. The Note included a provision for interest at eight percent (8%) per annum.

On or about July 11, 2011, the Plaintiff and Defendant executed a Modification Agreement (“Modification”) for the payment of principle of \$1,500,000.00 and interest at eight percent (8%). See a certified copy of the Modification attached as Exhibit B. According to the terms of the Modification, Defendant was required to make monthly accrued interest payments through May of 2013 with the entire balance of the Note due and payable on May 28, 2013. Exh. B. However, after signing the Modification, TEXAS REIT, LLC failed to make the monthly payments. Therefore, as of May 28, 2013, the balance of principle and interest due was \$1,752,998.10. TEXAS REIT, LLC failed to pay that balance on or before May 28, 2013.

Beginning on July 25, 2013 through December 1, 2016, TEXAS REIT, LLC made twenty-one (21) payments of \$18,000 at unequal intervals. During that time and through the present date, the Modification provided for interest at the lesser rate of 18% or the maximum rate allowed by law. Therefore, after applying an 18% per annum interest rate on the balance and making all credits for the payments made, TEXAS REIT, LLC is still in debt to Plaintiff for the principle of \$1,500,000 and interest of \$1,553,387.65 as of the date of filing of this amended petition.

Defendant has been served with a notice and demand letter from Plaintiff which gave TEXAS REIT, LLC thirty (30) days to tender payment for a lesser amount to satisfy the debt in full. See the letter attached as Exhibit C. TEXAS REIT, LLC failed to make payment and ASI was forced to file this lawsuit.

The Note and Modification Agreement made the basis of this lawsuit and attached hereto as Exhibits A and B, respectively, are incorporated in this petition by reference. Plaintiff has fully complied with the terms of the Note.



**IV.**  
**Breach of Contract**

**A. Default**

Defendant has defaulted in payment of the Note and debt described therein. After contractual interest is applied in accordance with the Modification (Exh. B) and all credits for payments made are deducted, there is currently due the principle sum of \$1,500,000.00 and interest due in the sum of \$1,553,387.65 as of the date of this petition. Additionally, as provided for in the Note, interest is still accruing on all matured, unpaid amounts.

**B. Conditions Precedent**

All conditions precedent have been performed or have occurred.

**V.**  
**Attorney's Fees**

Plaintiff is entitled to recover reasonable and necessary attorney fees under Chapter 38 of the Texas Civil Practice & Remedies Code because this suit is for breach of a written contract. Plaintiff presented its demand to Defendant (see Exh. C) and Defendant has failed to tender the amount owed. Defendant's default has made it necessary for Plaintiff to file this lawsuit and incur attorney's fees for representation herein for which Plaintiff now brings suit.

**VI.**  
**Collection of Debt**

This is an attempt to collect a debt. Any information obtained will be used for that purpose.

**VII.**  
**Damages**

- A. Actual damages in the form of contractual principle of \$1,500,000.00 in accordance with the Modification (Exh. B);
- B. Pre-judgment interest at the rate of 18% as provided in the Modification (Exh. B) and as allowed by law totaling \$1,553,387.65, to date;
- C. Post-judgment interest as provided in the Modification (Exh. B) and as allowed by law;
- D. Reasonable attorney's fees;
- E. Costs of court; and
- F. All other relief to which Plaintiff is entitled.

Prayer

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer and that upon final hearing, Plaintiff recover judgment against Defendant for the damages as they may appear at trial hereof, together with prejudgment and post-judgment interest, costs of court, and such other relief to which Plaintiff may be entitled.

Respectfully submitted,  
**LAW OFFICES OF DAVID L. THORNTON**

By: 

DAVID L. THORNTON  
TBN: 19976900  
Email: [david@thorntonlawfirm.com](mailto:david@thorntonlawfirm.com)  
D. MICHAEL HENDERSON, JR.  
TBN: 00792576  
Email: [mike@thorntonlawfirm.com](mailto:mike@thorntonlawfirm.com)  
Attorneys for Plaintiff  
699 S. Friendswood Dr.,  
Suite 105  
Friendswood, Texas 77546  
Phone: (281) 482-1800  
Fax: (281) 482-1852



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this July 3, 2024

Certified Document Number: 77166877 Total Pages: 4

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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**CAUSE NO. 2017-35320****ARCHITECTURAL SERVICES  
INTERNATIONAL, INC.****Plaintiff,****V.****TEXAS REIT, LLC****Defendants.**§  
§  
§  
§  
§  
§  
§  
§  
§**IN THE DISTRICT COURT OF****HARRIS COUNTY, T E X A S****151ST DISTRICT COURT****DEFENDANT'S ORIGINAL ANSWER**

NOW COMES, DEFENDANT, TEXAS REIT, LLC, and generally denies each and every, all and singular, of the material allegations set forth in Plaintiff's Original Petition, and demands strict proof thereof by a preponderance of the credible evidence, or where applicable, by such higher standard of proof, as required by the Constitution and the laws of the State of Texas.

**PRAYER**

For these reasons, Defendant, asks the Court to require Plaintiff to prove its claim, to assess costs against Plaintiff, and award all other relief to which Defendant is entitled.

By: /s/ Paul Simon  
Paul Simon  
State Bar No. 24003276  
1001 West Loop, Suite 700  
Houston, Texas 77027  
713.789.7654 (main)  
832.280.5884 (fax)  
[paul.simon@jetallcompanies.com](mailto:paul.simon@jetallcompanies.com)

**ATTORNEY FOR DEFENDANT**



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this July 3, 2024

Certified Document Number: 77683216 Total Pages: 2

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 51.301 and 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**

**CAUSE NO. 2017-35320****ARCHITECTUAL SERVICES  
INTERNATIONAL, INC.****Plaintiff,****V.****TEXAS REIT, LLC  
DEFENDANT/CROSS-PLAINTIFF****V.****WCW HOUSTON PROPERTIES, LLC  
STEPHEN WU, THE WU FAMILY  
TRUST, RODEXKIA HOLDING, LLC,  
LIEM DANG, WU PROPERTY  
MANAGEMENT, INC., PORTER &  
POWERS, PLLC, TODD A. CARLSON,  
BRAD E. PORTER, INDIVIDUALLY,  
AND DAVID L. SMITHERMAN, M.  
KEVIN POWERS AND BRAD E.  
PORTER, AS SUBSTITUTE  
TRUSTEES,****CROSS-DEFENDANTS****IN THE DISTRICT COURT****OF HARRIS COUNTY, TEXAS****151ST JUDICIAL DISTRICT****CROSS-PLAINTIFF'S ORIGINAL PETITION, AND  
VERIFIED APPLICATION FOR TEMPORARY RESTRAINING ORDER  
AND FOR TEMPORARY AND PERMANENT INJUNCTIONS**

Cross-Plaintiff, Texas REIT, LLC ("TRL"), files this Cross-Petition, Verified Application for Temporary Restraining Order and for Temporary and Permanent Injunctions, and Request for Disclosure, against Cross-Defendants, WCW Houston Properties, LLC ("WCW"), Stephen Wu, The Wu Family Trust, Rodexkia Holding, LLC, Liem Dang, Wu Property Management, Porter & Powers, LLC, Todd A. Carlson, Brad E. Porter, individually and, solely in their capacities as



substitute trustees, Cross-Defendants, David L. Smitherman, M. Kevin Powers and Brad E. Porter,<sup>1</sup> and in support, would show the Court the following:

### **I. RELIEF REQUESTED**

1. Cross-Plaintiff seeks to enjoin Cross-Defendants from selling two tracts of property generally located at 8050 to 8098 Westheimer Road, Houston, Harris County, Texas 77063, (the “Property”), at a foreclosure sale set for Tuesday, June 5, 2018, because WCW has: failed to give proper notice; failed to give proper offsets; breached the parties agreement; and committed fraud.

2. WCW committed these actions in the hopes of improperly profiting from the Property’s considerable equity by posting it for foreclosure and then credit-bidding its purchase at that sale.

### **II. DISCOVERY PLAN**

3. Plaintiff intends to conduct discovery under the Level 3 Discovery Plan of Texas Rule of Civil Procedure 190.3.

### **III. PARTIES AND SERVICE**

4. Cross-Plaintiff, Texas REIT, LLC is a Texas limited liability company with its principal place of business in Harris County, Texas.

5. Cross-Defendant, WCW is a Texas limited liability company and may be served by and through its registered agent, Porter & Powers, PLLC, 5900 Memorial Drive, Suite 305, Houston, Texas 77007, or 1776 Yorktown, Suite 300, Houston, Texas 77056.

6. Stephen Wu is an individual residing in Harris County, Texas and may be served at his residence address of 6100 Corporate Drive, Suite 288, Houston, Texas 77036, or wherever he may be found.

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<sup>1</sup> The trustees are added to invoke this Court’s jurisdiction to enjoin them from selling the Property.

7. The Wu Family Trust is a Texas trust which may be served through its trustee, at 6100 Corporate Drive, Suite 288, Houston, Texas 77036.

8. Rodexkia Holding, LLC is a Texas limited liability company and may be served by and through its registered agent, Porter & Powers, PLLC, 1776 Yorktown, Suite 300, Houston, Texas 77056.

9. Liem Dang is an individual residing in Harris County, Texas and may be served at his residence address of 9518 Shadow Gate Lane, Houston, Texas 77040, or 12943 Memorial Drive, Houston, Texas 77079, or wherever he may be found.

10. Wu Property Management, Inc. is a California corporation and may be served by and through its registered agent at 6100 Corporate Drive, Suite 288, Houston, Texas 77036.

11. Porter & Powers, PLLC is a Texas limited liability company and may be served by and through its registered agent, Porter Real Estate Law, PLLC, 5900 Memorial Drive, Suite 305, Houston, Texas 77007 or 1776 Yorktown, Suite 300, Houston, Texas 77056.

12. Todd A. Carlson is an individual with his regular place of business in Harris County, Texas and may be served at his business address at 3773 Richmond Avenue, Suite 800, Houston, Texas 77046, or wherever he may be found.

13. Cross-Defendant, Brad E. Porter, individually, is an individual with his regular place of business in Harris County, Texas and may be served at his law office at Porter & Powers, PLLC, 1776 Yorktown, Suite 300, Houston, Texas 77056, or wherever he may be found.

14. Cross-Defendant, David L. Smitherman, as substitute trustee, is an individual with his regular place of business in Harris County, Texas and may be served at his law office at Porter & Powers, PLLC, 1776 Yorktown, Suite 300, Houston, Texas 77056, or wherever he may be found.

15. Cross-Defendant, M. Kevin Powers, as substitute trustee, is an individual with his regular place of business in Harris County, Texas and may be served at his law office at Porter & Powers, PLLC, 1776 Yorktown, Suite 300, Houston, Texas 77056, or wherever he may be found.

16. Cross-Defendant, Brad E. Porter, as substitute trustee, is an individual with his regular place of business in Harris County, Texas and may be served at his law office at Porter & Powers, PLLC, 1776 Yorktown, Suite 300, Houston, Texas 77056, or wherever he may be found.

#### **IV. JURISDICTION AND VENUE**

17. The subject matter in controversy is within the jurisdiction of this Court.

18. This Court has personal jurisdiction over WCW because it is a Texas limited liability company with its principal place of business in Harris County, Texas.

19. This Court has personal jurisdiction over each of the Trustees because each is a resident of the State of Texas.

20. Venue in Harris County, Texas, is proper because all, or a substantial part, of the acts or omissions giving rise to this lawsuit occurred within Harris County, Texas. *See* Tex. Civ. Prac. & Rem. Code § 15.002. Venue is also proper in Harris County, Texas, because the Property which is the subject of this lawsuit is located within Harris County, Texas. *See* Tex. Civ. Prac. & Rem. Code § 15.011.

#### **V. RULE 47 STATEMENT**

21. Cross-Plaintiff seeks monetary damages in excess of \$1,000,000 and non-monetary relief.

#### **VI. SUPPORTING EVIDENCE**

22. This verified petition is supported by the following evidence, attached hereto and incorporated herein by reference: Exhibit A.

## **VII. FACTUAL BASES OF CLAIMS**

23. Plaintiff Architectural Services International, Inc. sued Defendant/Cross-Defendant TRL in regards to a loan. Defendant TRL countersues for offset, breach of contract and fraud.

24. TRL is the title owner of the Property and the Borrower on a loan from Architectural Services International, Inc. (“ASI”) in the original amount of One Million Five Hundred Thousand and no/100 Dollars (\$1,500,000.00), as evidenced by a promissory note dated May 2, 2008 (the “Note”). The Note is secured by a Deed of Trust dated April 2, 2008 which establishes a second lien on the Property, subject to the first lien held by International Bank of Commerce. WCW is the assignee of ASI, and stands in its shoes as holder of the Note and beneficiary of the Deed of Trust.

25. Defendant/Cross-Plaintiff TRL would show that WCW failed to give Defendant/Cross-Plaintiff all offsets and credits and improperly calculated Defendant/Cross-Plaintiff’s indebtedness. Additionally, Cross-Defendants Steven Wu, Brad E. Porter, Liem Dang and others conspired against Plaintiff to rob it of the equity in the Property by making false offers to buy the Property to obtain confidential and proprietary information of Cross-Plaintiff and then use that information to undercut Cross-Plaintiff by buying the second lien position.

26. Unless the Court grants immediate relief, Cross-Plaintiff will be permanently and irreparably harmed for which no adequate remedy of damages will lie.

## **VIII. CAUSES OF ACTION**

### **A. Breach of Contract**

27. Defendant/Cross-Plaintiff would show that WCW, as assignee of ASI, failed to give Cross-Plaintiff adequate notice of default and foreclosure as required by the Deed of Trust.

28. Additionally, ASI owed substantial offsets to Cross-Plaintiff which were due and owing and contributed to any breach of the contract by Plaintiff.

**Fraud In A Real Estate Transaction**

29. Cross-Plaintiff would show that one or more of Cross-Defendants made a false representation of past or existing material fact; the false representation or promise was made in order to induce Cross-Plaintiff to enter into a contract; Cross-Plaintiff relied on the false representation or promise and entered into the transaction; and the reliance caused Cross-Plaintiff injury. Accordingly, Cross-Plaintiff seeks to recover its damages in an amount within the jurisdictional limits of this Court for Fraud in a Real Estate Transaction.

**Conspiracy**

30. Cross-Plaintiff would show that one or more of the Cross-Defendants had an object to be accomplished and a meeting of the minds on the object or course of action and committed one or more unlawful, overt acts. Cross-Plaintiff has sustained damages as a proximate result and seeks to recover its damages in an amount within the jurisdictional limits of this Court.

**Estoppel**

31. Additionally and in the alternative, Cross-Defendants are estopped from foreclosing on Cross-Plaintiff's property as ASI made an offer to Cross-Plaintiff to continue to participate in the deal and Cross-Plaintiff acted in reliance on that offer, changing its position.

**Request for Proper Determination of Amount of Debt**

32. Cross-Plaintiff would show that it has a contractual relationship with one or more of the Cross-Defendants and the facts and accounts presented are so complex adequate relief may not be obtained at law. Accordingly, Cross-Plaintiff seeks an accurate account of all offsets and debts.

## **IX. DAMAGES**

33. Cross-Plaintiff has sustained damages from WCW's actions within the jurisdictional limits of this Court, for which it pleads.

## **X. ATTORNEY'S FEES**

34. Cross-Plaintiff is entitled to recover reasonable and necessary attorney's fees under the provisions of Chapter 38 of the Texas Civil Practice & Remedies Code.

## **XI. REQUEST FOR INJUNCTIVE RELIEF**

35. In light of the above, Cross-Plaintiff seeks recovery from WCW for the actual damages it caused and injunctive relief as set forward below.

36. Cross-Plaintiff is likely to succeed on the merits of this lawsuit because evidence exists in support of the causes of action herein pled. Cross-Plaintiff is not required to show that it will prevail at trial, only that it has some evidence of its claims which tend to support its causes of action and that it will suffer immediate and irreparable injury if this Court does not immediately enjoin Cross-Defendants as requested herein. *See State v. Southwestern Bell Tel. Co.*, 526 S.W.2d 526, 528 (Tex. 1975). That burden has been carried in this application for injunctive relief.

37. Unless this Court immediately enjoins Cross-Defendants, Cross-Plaintiff will suffer immediate and irreparable injury, for which there is no adequate remedy at law to give Plaintiff complete, final and equal relief. More specifically, Cross-Plaintiff will show the Court the following:

- a. The harm is imminent because a foreclosure sale is scheduled for Tuesday, June 5, 2018, between 10:00 a.m. and 1:00 p.m.;
- b. This imminent harm will cause irreparable injury, including the loss of an interest in the Property and the resulting fall-out, which very well could destroy a business; and

- c. There is no adequate remedy at law which will give complete, final and equitable relief because real property is unique and a loss of an interest in the Property cannot be remedied at law.

## **XII. REQUEST FOR EX PARTE HEARING**

38. Cross-Plaintiff would show that an *ex parte* hearing is proper as there is insufficient time for a hearing on this application for injunctive relief before the Property is scheduled to be sold at a foreclosure sale set for Tuesday, June 5, 2018.

39. Cross-Plaintiff is willing and able to post a reasonable temporary restraining order bond and request the Court to set such bond. Any such bond should be minimal for the following reasons. First, the granting of Cross-Plaintiff's request for temporary injunctive relief only delays the Property's foreclosure by one month, unless a temporary injunction issues, in which case, the trial court can reassess the sufficiency of the bond. Second, on information and belief, the Property has at least some equity, and a good-faith foreclosure sale should result in more than enough proceeds to satisfy the obligations owed to WCW. On the other hand, the consequences of allowing the foreclosure sale to proceed will cause immediate and irreparable injury, as stated above.

40. Accordingly, Cross-Plaintiff prays the Court to set bond at a minimal amount as WCW is sufficiently protected and suffers no real and legitimate loss if the granting of the temporary restraining order is later found to be in error.

## **XIII. REMEDY**

41. Cross-Plaintiff has met its burden by establishing such element which must be present before injunctive relief can be granted by this court, and therefore Plaintiff is entitled to the requested temporary restraining order.

42. Cross-Plaintiff requests the court to restrain Cross-Defendants from selling or transferring the Property at foreclosure sale on June 5, 2018, and from taking any other action with



regard to any foreclosure of the Property, until such time as there can be a hearing on Plaintiff's application for a temporary injunction.

43. It is essential that the Court immediately and temporarily restrain Cross-Defendants from selling or transferring the Property at foreclosure sale on June 5, 2018. It is essential that the Court act immediately, prior to giving notice to Cross-Defendants and a hearing on the matter, because there is insufficient time to conduct such a hearing before the threatened foreclosure sale on Tuesday, June 5, 2018.

44. To preserve the status quo during the pendency of this action, Cross-Plaintiff requests that Cross-Defendants, and their officers, agents, servants, employees and attorneys, be temporarily enjoined from selling or transferring the Property at foreclosure sale on June 5, 2018.

#### **XIV. REQUESTS FOR DISCLOSURE**

45. Pursuant to Rule of Civil Procedure 194, Cross-Plaintiff requests that WCW disclose the information or material described in Rule 194.2.

#### **XV. CONCLUSION & PRAYER**

Based on the foregoing, Cross-Plaintiff respectfully prays that:

- a. Cross-Defendants be cited to appear and answer herein;
- b. A temporary restraining order issue, without notice to Cross-Defendants, WCW Houston Properties, LLC, David L. Smitherman, M. Kevin Powers and Brad E. Porter, as substitute trustees, enjoining and restraining Defendants and Defendants' officers, agents, servants, employees and attorneys from directly or indirectly selling or transferring the Property located at 8098 Westheimer Road, Houston, Harris County, Texas 77063 at foreclosure sale on June 5, 2018;

- c. A temporary restraining order issue, without notice to Cross-Defendants, WCW Houston Properties, LLC, David L. Smitherman, M. Kevin Powers and Brad E. Porter, as substitute trustees, enjoining and restraining Cross-Defendants and Cross-Defendants' officers, agents, servants, employees and attorneys from further posting for foreclosure the Property located at 8098 Westheimer Road, Houston, Harris County, Texas 77063, without a subsequent order from this Court specifically authorizing any such foreclosure sale;
- d. The Court set a reasonable bond for the temporary restraining order;
- e. After notice and hearing, a temporary injunction issue enjoining and restraining Cross-Defendants, WCW Houston Properties, LLC, David L. Smitherman, M. Kevin Powers and Brad E. Porter, as substitute trustees, enjoining and restraining Cross-Defendants and Cross-Defendants' officers, agents, servants, employees and attorneys from posting for foreclosure or directly or indirectly selling or transferring the Property located at 8098 Westheimer Road, Houston, Harris County, Texas 77063, during the pendency of this lawsuit;
- f. After trial, a permanent injunction issue enjoining and restraining Cross-Defendants, WCW Houston Properties, LLC, David L. Smitherman, M. Kevin Powers and Brad E. Porter, as substitute trustees, enjoining and restraining Cross-Defendants and Cross-Defendants' officers, agents, servants, employees and attorneys from posting for foreclosure or directly or indirectly selling or transferring the Property located at 8098 Westheimer Road, Houston, Harris County, Texas 77063, without first obtaining an order from a court of competent jurisdiction authorizing such foreclosure or posting for foreclosure;
- g. Cross-Plaintiff be awarded actual damages;
- h. Cross-Plaintiff be granted an accounting;
- i. Cross-Plaintiff be awarded pre-judgment and post-judgment interest;
- j. Cross-Plaintiff be awarded costs of court;
- k. Cross-Plaintiff be awarded attorney fees; and
- l. Judgment for damages and other relief requested above and for such other and further relief, at law or in equity, to which Cross-Plaintiff may be justly entitled.

Respectfully submitted,

THE VILANDOS FIRM, P.C.

By: /s/ Marilyn Vilandos  
Marilyn Vilandos  
State Bar. No. 24034689  
7660 Woodway, Suite 304  
Houston, Texas 77063  
713.255.9990 Telephone  
713.255.9992 Facsimile  
marilyn@vilandoslaw.com

**ATTORNEY FOR CROSS-PLAINTIFF,  
TEXAS REIT, LLC “TRL”**



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this July 3, 2024

Certified Document Number: 80159394 Total Pages: 11

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 51.301 and 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**

**CAUSE NO. 2017-35320**

WCW HOUSTON PROPERTIES, LLC	§	IN THE DISTRICT COURT OF
(as assigned from ARCHITECTURAL	§	
SERVICES INTERNATIONAL, INC.)	§	
	§	
<i>Plaintiff,</i>	§	
	§	
VS.	§	HARRIS COUNTY, TEXAS
	§	
TEXAS REIT, LLC	§	
	§	
<i>Defendants.</i>	§	151 <sup>ST</sup> JUDICIAL DISTRICT

**PLAINTIFF'S SECOND AMENDED PETITION**

COMES NOW, Plaintiff, **WCW HOUSTON PROPERTIES, LLC**, a Texas limited liability company ("**Plaintiff**"), as assigned from **ARCHITECTURAL SERVICES INTERNATIONAL, INC.**, a Texas corporation ("**ASI**"), complaining of **TEXAS REIT, LLC**, a Texas limited liability company ("**Defendant**"), and files this Second Amended Petition.

**I. DISCOVERY LEVEL AND RULE 47 STATEMENT**

1. Plaintiff respectfully requests that discovery be conducted in accordance with Discovery Level 2 under Tex. R. Civ. P. 190.3.

2. Pursuant to TEX. R. CIV. P. 47, Plaintiff seeks monetary relief in an amount exceeding \$1,000,000.00 and non-monetary relief.

**II. PARTIES**

3. Plaintiff is a Texas limited liability company doing business in Harris County, Texas. Plaintiff may be served with any pleading or paper through the undersigned counsel.

4. Defendant is a Texas limited liability company doing business in Harris County, Texas. Defendant has been served with process, has filed its original answer, and may be served

with any pleading or paper through its counsel: Paul Simon, 1001 West Loop South, Suite 700, Houston, Texas 77027.

### **III. JURISDICTION AND VENUE**

5. Venue is proper in Harris County, Texas, pursuant to Chapter 15 of the Texas Civil Practice & Remedies Code as: (i) this suit is brought in the county in which all or a substantial part of the events or omissions giving rise to Plaintiff's claims occurred; (ii) this is a suit relating to an interest in real property located in Harris County, Texas; and (iii) Defendant's principal place of business is in Harris County, Texas.

6. Jurisdiction is proper because Plaintiff's claims are within the minimal jurisdictional limits of the Court.

### **IV. FACTUAL BACKGROUND**

7. On or about May 2, 2008, Defendant executed and delivered to ASI a Promissory Note in the original amount of \$1,500,000.00 ("**Note**"). *See copy of Note attached hereto and made a part hereof as **Exhibit "A"**.* ASI did actually pay the \$1,500,000.00 to Defendant in two (2) separate cashier's checks that were acknowledged as being received by Defendant. *Proof of payment is attached hereto and made a part hereof as **Exhibit "B"**.* The Note was secured by a Deed of Trust in favor of ASI recorded in the Real Property Records of Harris County, Texas under Clerk's File Number 20080287817 (the "**Deed of Trust**"). *See copy of the Deed of Trust attached hereto and made a part hereof as **Exhibit "C"**.* The Deed of Trust functioned as a lien against the real property owned by Defendant generally described as 8050-8098 Westheimer, Houston, Harris County, Texas 77063 (the "**Property**").

8. On or about July 11, 2011, ASI and Defendant executed a Modification Agreement

(“**Modification**”) for the payment of principle of \$1,500,000.00 and interest at eight percent (8%). *See a certified copy of the Modification attached hereto and made a part hereof as **Exhibit “D”**.* According to the terms of the Modification, Defendant was required to make monthly accrued interest payments through May of 2013 with the entire balance due and payable on May 28, 2013. Defendant failed to comply with the payment provisions of the Modification; therefore, as of May 28, 2013, the balance of principle and interest due was \$1,752,998.10. Defendant failed to pay that balance on or before May 28, 2013.

9. Beginning on July 25, 2013 through December 1, 2016, Defendant paid ASI twenty-one (21) interest-only payments of \$18,000 at unequal intervals. *See a copy of such payment history attached hereto and made a part hereof as **Exhibit “E”**.* During that time and through the present date, the Modification provided for interest at the lesser rate of 18% or the maximum rate allowed by law; therefore, after applying an 18% per annum interest rate on the balance and making all credits for the payments made, Defendant is still in debt to Plaintiff (as assigned from ASI) for the principle of \$1,500,000 and interest of \$2,155,070.37, as of the date of filing of this amended petition.

10. ASI and Plaintiff have fully complied with the provisions of the Note, Modification, and Deed of Trust (together, the “**Loan Documents**”). Because Defendant failed to comply with the Loan Documents, and because Defendant failed to pay Plaintiff (as assigned from ASI) the monetary amounts owed under same, ASI originally filed this lawsuit, which is now being pursued by Plaintiff, and both ASI and Plaintiff have incurred substantial attorneys’ fees pursuing same.

11. By that certain Transfer of Note and Lien dated May 5, 2018 (the “**Note Transfer**”) and filed in the Real Property Records of Harris County, Texas under Clerk’s File Number RP-



2018-205267, ASI transferred to Plaintiff all rights of ASI in and to the Loan Documents. *See a copy of such Note Transfer attached hereto and made a part hereof as **Exhibit “F”***. Additionally, ASI assigned to Plaintiff all rights under this lawsuit. Plaintiff has sought to non-judicially foreclose and, in the alternative, hereby seeks to judicially foreclose on the Property because of Defendant’s breach of the Loan Documents.

## **V. CAUSES OF ACTION**

### **A. Breach of Contract**

12. Plaintiff incorporates the allegations of paragraphs 1 through 11 above, as if more fully set out herein.

13. The Loan Documents function as a contract by and between Defendant and ASI.

14. By that certain Note Transfer instrument, ASI assigned to Plaintiff all rights under the Loan Documents, so Plaintiff is a proper party to sue Defendant for a breach of contract.

15. Plaintiff has performed, or was excused from performing, its contractual obligations.

16. Defendant has failed, and continues to fail, to pay the outstanding amounts owed to Plaintiff under the Loan Documents, which has caused Plaintiff substantial injuries in the principle amount of \$1,500,000 and interest of \$2,155,070.37, as of the date of filing of this amended petition, with interest continuing to accrue as the Note and Modification has matured (together, the “**Monetary Damages**”).

### **B. Request for an Order of Foreclosure**

17. Plaintiff incorporates the allegations of paragraphs 1 through 11 above, as if more fully set out herein.

18. Plaintiff seeks an order of foreclosure from this Court to allow for the Property to be judicially foreclosed upon.

**Claim for Attorneys' Fees**

19. Plaintiff incorporates the allegations of paragraphs 1 through 11 above, as if more fully set out herein.

20. Plaintiff seeks attorneys' fees in connection with Defendant's breach of the Loan Documents, to collect the Monetary Damages, as set out above, and to foreclose upon the Property (whether judicially or non-judicially). Defendant's actions, as set forth herein, have required Plaintiff to retain the undersigned counsel. Plaintiff is entitled to recover its reasonable attorneys' fees incurred in this matter pursuant to Chapter 37 of the Texas Civil Practice & Remedies Code, pursuant to the terms of the Loan Documents, and pursuant to Chapter 38 of the Texas Civil Practice & Remedies Code. *See* TEX. CIV. PRAC. & REM. CODE, §§37.009, AND 38.001, ET SEQ. Plaintiff has had to expend significant amounts of attorneys' fees and costs related thereto for which it seeks recovery, along with all future attorney's fees and costs incurred enforcing Plaintiff's claims.

**Collection of Debt**

21. This is Plaintiff's attempt to collect a debt against Defendant. Any information obtained will be used for that purpose.

**Conditions Precedent**

22. All conditions precedent to Plaintiff's recovery of the relief requested herein have occurred, been performed, or are waived given the exigent circumstances.

## **VI. RELIEF REQUESTED**

WHEREFORE, based on the foregoing, Plaintiff, WCW HOUSTON PROPERTIES, LLC, a Texas limited liability company, as assigned from ARCHITECTURAL SERVICES INTERNATIONAL, INC., a Texas corporation, respectfully requests that: (1) Defendant TEXAS REIT, LLC, a Texas limited liability company, be cited to appear and answer; (2) that upon trial of this matter, the Court enter judgment in Plaintiff's favor for: (i) actual damages (both direct and consequential) against Defendant for breach of Loan Documents; (ii) an order from the court to foreclose on the Property; (iii) attorneys' fees and all costs incurred in this litigation by the Plaintiff; (iv) pre- and post-judgment interest as allowed by law; and (3) the Court award Plaintiff all other relief to which it is justly entitled, at law or in equity.

Respectfully submitted,

**PORTER & POWERS, PLLC**

By: *Brad E. Porter*

Brad E. Porter

State Bar No. 24048741

[brad@porterpowers.com](mailto:brad@porterpowers.com)

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1776 Yorktown, Suite 300

Houston, Texas 77056

713-621-0700 (telephone)

713-621-0709 (facsimile)

**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing was served on the party listed in pursuant to Texas Rules of Civil Procedure 21 and 21a on May 31, 2018.

*Attorney for Defendant Texas REIT*

Paul Simon, Esq.

1001 West Loop South, Suite 700

Houston, Texas 77027

By Email: paul.simon@jetallcompanies.com

*Brad E. Porter*

Brad E. Porter



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this July 3, 2024

Certified Document Number: 80183830 Total Pages: 7

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 51.301 and 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**